

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70266 of 2022

Arising Out of PS. Case No.-28 Year-2017 Thana- PIRPAINTI District- Bhagalpur

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LAVKUSH YADAV S/O PRAKASH YADAV @ JAI PRAKASH YADAV
Resident of village- Madhuban Tola, P.S.- Pirpainti, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-03-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Pirpainti
P.S. Case No. 28 of 2017 registered for the offences under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 25.04.2022.

The allegation against the petitioner is to commit
murder of one co-villager of informant alongwith 07 named and
2 to 3 unknown co-accused persons by causing firearm injuries.
It is alleged that cause of action is previous enmities between



the parties.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was implicated falsely in present case due to previous enmities, as admitted through present FIR itself. It is further submitted that allegation as regard to cause fatal firearm injuries are available against co-accused persons, namely, Nilesh Yadav and Rajesh Yadav, where no overt act is appearing attributed to this petitioner. It is also submitted that one co-accused, namely, Pawan Yadav, having similar allegation has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 37371 of 2022 vide order dated 27.09.2022. While concluding the argument, it has been submitted that petitioner found involved in three more criminal cases, where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation to cause fatal firearm injuries is not available against this petitioner, coupled with the fact that charge-sheet has been submitted, let the petitioner, above



named, is directed to be released on bail in connection with Pirpainti P.S. Case No. 28 of 2017 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, X, Bhagalpur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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