

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74119 of 2023

Arising Out of PS. Case No.-237 Year-2023 Thana- BARHARA KOTHI District- Purnia

Sanjeev Kumar @ Sanjeev Yadav, Son Of Sita Ram Yadav, Resident Of
Village-Devri, Ps-Barhara Kothi, District-Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Barhara P.S. Case No. 237 of 2023 registered for the alleged offences under Sections 147, 148, 149, 341, 323, 302, 307, 448, 504, 506 and 509 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the son of the informant eloped with a married lady and the petitioner and other co-accused persons assaulted the informant and his family members in the aforesaid background. Allegation against the co-accused persons is that they shot at the son and the wife of the informant. The wife of the informant died at the spot whereas son of the informant was under treatment



and was being operated in the hospital at the time of lodging of the FIR.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is general and omnibus allegation against the petitioner and no specific allegation has been made against this petitioner. The allegation of firing is against co-accused Sanoj Kumar and Shubham Kumar. Further, allegation of assault upon the informant is against co-accused Budhal Yadav. The petitioner was not present at the place of occurrence and he has no concern with the alleged offence. The petitioner is in custody since 22.06.2023 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for bail submitting that the petitioner is a member of unlawful assembly which committed murder of the wife of the informant and also caused serious injury to the son of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is no specific allegation of opening fire or for assaulting the informant against this petitioner and further considering the clean antecedent of the petitioner along with his



period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IIInd, Purnea/ court concerned in connection with Barhara P.S. Case No. 237 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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