

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2275 of 2023

Arising Out of PS. Case No.-309 Year-2020 Thana- SAUR BAZAR District- Saharsa

Bijay Yadav @ Vijay Kumar Son of Gajendra Yadav @ Gunay Yadav
Resident of village - Sahuriya Purvi, Ward No.- 14, P.S.- Sour Bazar, Dist.-
Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-05-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 302 and other allied sections of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, on 06.08.2020 at 11.00 pm uncle of the informant went to sleep on the *Machan* and at about 1.00 am his uncle raised alarm. On hearing the sound of his uncle, the informant came out of the house and saw that all the FIR named accused persons including petitioner along with 4-5 unknown person armed with deadly weapon were abusing and assaulting his uncle. Co-accused Nirmal Kumar @ Angil Yadav fired on his chest. Co-accused Sarvesh Yadav fired at his



shoulder, as a result of which he died on the spot.

It is submitted that specific accusation of firing is against co-accused Nirmal Yadav @ Angil Yadav and Sarbesh Kumar who have already been granted bail by different Benches of this Court vide order dated 17.05.2022 passed in Cr. Misc. No. 71782 of 2021 and dated 27.03.2023 passed in Cr. Misc. No. 3616 of 2023. So far as this petitioner is concerned, there is general and omnibus allegation. The alleged occurrence took place due to land dispute between the parties. Petitioner is only member of the mob. Petitioner claims clean antecedent.

Considering the facts aforesaid, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Saharsa in connection with Sour Bazar P.S. Case No. 309 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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