

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11838 of 2024**

Arising Out of PS. Case No.-176 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

Jawahar Yadav Son of Doman Yadav Resident of Vill.- Siraiya, P.S.-Sahebpur
Kamal, Distt.-Begusarai, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 27736 of 2024

Arising Out of PS. Case No.-176 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

ADARSH KUMAR @ NUNU BABU S/O RAMASHISH YADAV R/O
VILLAGE- SIRAIYA, P.S- SAHEBPUR KAMAL, DISTT.- BEGUSARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 11838 of 2024)

For the Petitioner/s : Mr.Praveen Kumar, Adv.

For the State : Mr.Mithlesh Kumar Khare, APP

(In CRIMINAL MISCELLANEOUS No. 27736 of 2024)

For the Petitioner/s : Mr.Ansul, Adv.

For the State : Mr.Ram Priya Sharan Singh, APP

For the Informant in both cases: Mr. Ram Sumiran Roy, Adv.

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

4 02-08-2024

1. Heard the parties.

2. Petitioners seek regular bail in connection with

Sahebpur Kamal P.S. Case No. 176 of 2021 dated 21.07.2021

registered for the offence(s) punishable under Section(s) 120B,

302, 147, 148, 149, 354B of the Indian Penal Code and section



27 of Arms Act.

3. Mr. Praveen Kumar, learned counsel for the petitioner, Jawahar Yadav submits that this is third attempt of the petitioner for the relief of regular bail and now the petitioner has again come up for the relief of bail mainly on the ground of his long incarceration period as well as privilege of bail granted to co-accused, Jai Krishan Kanhaiya @ Jai Kishan Kanhaiya @ Kishan Kanhaiya carrying similar nature of allegation.

4. Mr. Ansul, learned counsel for the petitioner Adarsh Kumar @ Nunu Babu submits that this is first attempt of the petitioner to get the relief of regular bail and the main grounds taken by the petitioner for the said relief are that he has spent about three years in jail and as per allegation made in the F.I.R., he opened fire at the informant's husband causing fire arm injury at the left leg of the said victim but as per post mortem report, no fire arm injury has been found by the doctor concerned at the left leg of the victim and simply a lacerated wound in the size of 1"x1 1/2" was found which falsify the allegation made against this petitioner and further there is no criminal antecedent of this petitioner.

5. On the contrary, Mr. Ram Sumiran Roy, learned counsel for the informant has vehemently opposed the prayer of



both the petitioners and submits that the case of both the petitioners does not stand on similar footing as that of co-accused persons who are on bail and the trial of the petitioners is at fag end as all the material witnesses have been examined except the Investigating Officer.

6. Having considered the above submissions and mainly taking into account the custody period of both the petitioners and also, the fact, that allegation attributed to the petitioner Adarsh Kumar @ Nunu Babu does not get corroboration from the post mortem report of the deceased and he has got no criminal antecedent and as per submission made by the informant's counsel, all the material witnesses have been examined, in my opinion, both the petitioners deserve to the privilege of bail. Accordingly, let the petitioners named-above be released on bail in connection with Sahebpur Kamal P.S. Case No. 176 of 2021 on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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