

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11080 of 2024

Arising Out of PS. Case No.-129 Year-2023 Thana- FULKAHA District- Araria

Basudev Yadav, Male, aged about 60 years, S/O Late Mushahru Yadav R/O
Village- Madhura North, Ward No.-03, P.S- Fulkaha, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gopal Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Abhay Kumar Roy, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 04-03-2024 Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail in connection with Fulkaha P.S. Case No.-129 of 2023 registered for the offence under Sections 147, 149, 341, 323, 307, 504, 506, 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, all the accused persons along with Kirtiya Devi @ Geeta Devi, Pinki Devi and Urmila Devi surrounded the victim and started to assault, in between co-accused Rajesh Kumar Yadav fired with pistol on the son of the informant and thereafter the son of the informant died during course of treatment.



4. Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in this case due to dirty village politics. Petitioner is in custody since 23.09.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. On perusal of the first information report and impugned order dated 03.01.2024 passed by learned Sessions Judge, Araria, it appears that there is specific allegation of firing against co-accused Rajesh Kumar Yadav and not this petitioner. On perusal of the postmortem report of the deceased, it appears that the injury was antemortem dangerous and grievous to life sufficient to cause death in ordinary course of nature and caused by fire arm weapon, in these circumstances, let the above named petitioner be directed to be released on bail in connection with Fulkaha P.S. Case No. 129 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Araria.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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