

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33452 of 2024

Arising Out of PS. Case No.-572 Year-2023 Thana- BIDUPUR District- Vaishali

Prabhat Kumar Yadav Son of Raj Narayan Rai Resident of Village- East Nand
Gola Ghat ward no- 71, P.S.- Malsalami, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rohit Kumar, Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 30-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Bidupur P.S. case No.
572 of 2023 (G.R. No. 5183 of 2023) instituted for the offences
under Sections 302 and 120(B) of the Indian Penal Code and
Section 27 of the Arms Act.

3. Prosecution allegation, in short, is that the son of the
informant was shot dead by two miscreants when he was
returning from factory. It is further alleged that all the the along
with other unknown miscreants have killed the son of the
informant under a conspiracy.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case.



Charge-sheet has been submitted in this case and cognizance has also been taken. The petitioner is not named in the F.I.R. The name of the petitioner has transpired in this case by virtue of I.M.E.I. number of his mobile set from which a call was made on 04.08.2023 which is not the date of occurrence. There is no eye witness to the alleged occurrence. The petitioner is in custody since 01.10.2023 and has no criminal antecedent. Co-accused have been granted bail by this Bench vide order dated 06.03.2024 passed in Cr. Misc. No. 13788 of 2024 and order dated 19.03.2024 passed in Cr. Misc. No. 20219 of 2024 as also by a Coordinate Bench of this Court vide order dated 18.04.2024 passed in Cr. Misc. 10806 of 2024 heard along with Cr. Misc. No. 12227 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner, charge-sheet being submitted and the claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Bidupur P.S. case
No. 572 of 2023 (G.R. No. 5183 of 2023).

(Rudra Prakash Mishra, J)

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