

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35788 of 2024

Arising Out of PS. Case No.-809 Year-2023 Thana- MAJHAULIA District- West Champaran

Chhotelal Yadav Son Of Late Ledar Yadav R/O Village- Dumari, P.S.-
Majhauiliya, Dist- West Champaran At Betiah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nityanand, APP

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

ORAL ORDER

3 03-07-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Majhauiliya P.S. case No. 809 of 2023 instituted for the offences
under Sections 302/34 of the Indian Penal Code and 27 of the
Arms Act.

3. Prosecution case, in short, is that the accused
persons including this petitioner assaulted the brother of the
informant. It is further alleged that the petitioner has fired on the
brother of the informant and due to which he sustained injury
and died on the way to hospital.

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



Learned counsel for the petitioner submits that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. Learned counsel further submitted that on perusal of the postmortem report, it appears that only one gunshot injury was found and even the said entry wound did not contain any charring or blackening or tattooing which shows that bullet was not fired from close range and this falsifies the prosecution story. Charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 28.09.2023 and has one criminal antecedent. Other co-accused has been granted bail by this Court vide order dated 07-03-2024, passed in Cr. Misc. No. 14248 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 and period of custody undergone by the petitioner, 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 Majhauiliya P.S. case



No. 809 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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