

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55802 of 2024

Arising Out of PS. Case No.-82 Year-2022 Thana- MORKAHI District- Khagaria

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DEEPAK KUMAR SON OF MAHESH YADAV RESIDENT OF VILLAGE
- HATHWAN, P.S. - ALAULI, DISTRICT - KHAGARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shekhar Kumar Singh, Adv.

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 29-08-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Morkahi P.S. Case No. 82 of 2022 dated 03.08.2022 registered for the offences punishable u/ss 302 read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the F.I.R. named accused persons namely Sanjay Yadav, Manoj Yadav, Makkeshwar Yadav, Chhotu Yadav and Jitesh Yadav along with three unknown persons holding firearms intercepted the motorcycle of the informant's brother Chandan Kumar. The co-accused, Sanjay Yadav fired on the informant's brother Chandan



Kumar with intent to kill which hit his head due to which he fell down on the ground. The co-accused, Rupesh Kumar fired on the informant's brother which hit his chest and abdomen then the co-accused, Bottle Yadav fired on the informant's brother which hit between the thigh and the testicle (andkosh) and the co-accused, Subhash Kumar fired on him due to which he sustained hand injury. When the informant came to rescue him, the accused persons started indiscriminate firing on the informant and his brother. Thereafter, the accused persons fled away from the spot. The informant's brother was taken to the hospital where the doctor declared him dead.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R. The name of the petitioner has sprung up in the confessional statement of the co-accused, Rajeev Kumar who has already been granted regular bail by the Coordinate Bench of this court vide order dated 10.08.2023 passed in Cr. Misc. No. 48948 of 2023. There is no specific allegation against the petitioner rather the specific allegation of firing is against the co-accused persons namely Sanjay Yadav, Rupesh Kumar, Bottle Yadav and Subhash Kumar. Nothing has been recovered from the conscious



possession of the petitioner. The petitioner has one criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 17.02.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Khagaria in connection with Morkahi P.S. Case No. 82 of 2022 corresponding to G.R. No. 2137/2022.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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