

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70095 of 2024

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

1. Laddu Yadav S/O Chhotelal Yadav R/O Village- Dumari, P.S- Majholia, Dist.- West Champaran.
2. Harendra Yadav S/O Mahesh Yadav R/O Village- Dumari, P.S- Majholia, Dist.- West Champaran.
3. Shiv Sagar Yadav @ Jata Yadav S/O Late Bharat Yadav R/O Village- Dumari, P.S- Majholia, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 27-09-2024 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners seek bail in connection with Majholia P.S. Case No. 809 of 2023 instituted for the offence under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

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



4. It has been submitted on behalf of the petitioners that the petitioner No.1 is in custody since 20-07-2024, whereas petitioner Nos.2 & 3 are in custody since 27-07-2024. Petitioners have no criminal antecedent.

5. It has been further submitted by the petitioners' counsel that petitioners have been falsely implicated in the present case. Learned counsel submits that there is general and omnibus allegations levelled against the petitioners. Specific allegation of firing is against Chhote Lal Yadav. From perusal of the postmortem report, it manifest that there is no external injury on the body of the deceased and there was only one gunshot injury 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 case. Other co-accused have been granted bail by this Court *vide* orders dated 07-03-2024 & 20-03-2024, passed in Cr. Misc. No. 14248 of 2024 & Cr. Misc. No. 22176 of 2024.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioners and claim based on parity, this Court is inclined to grant bail to the petitioners.



8. Let the petitioners 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 Majholia 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 petitioners.

(II) The petitioners 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 petitioners.

(Rudra Prakash Mishra, J)

Raj Kishore/-

U		T	
---	--	---	--

