

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70562 of 2023

Arising Out of PS. Case No.-459 Year-2022 Thana- HILSA District- Nalanda

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Akhilesh Yadav Son Of Late Lakshmi Yadav R/O Village- Tirlok Bigha, P.S.-
Hilsa, District- Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur
		Ms. Vaishnavi Singh
For the Opposite Party/s :		Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 18-01-2024 Heard learned counsel for the petitioner,

informant and learned A.P.P appearing on behalf of the

State.

The petitioner is languishing in custody in a

case registered for the offences punishable under

Sections 147, 148, 149, 323, 324, 302 of the Indian

Penal Code and Section 27 of the Arms Act.

The prosecution case as per F.I.R is that all the

F.I.R named accused persons including the petitioner

came variously armed and assaulted the informant and

other family members. It is specifically alleged against



co-accused Akhilesh Yadav that he assaulted with *Garasa* on the right leg of the brother of the informant, as a result of which, he fell down and thereafter co-accused Ajay Yadav shot at the brother of the informant, as a result of which, he sustained gunshot injuries and died.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. There is long standing dispute between the parties and the deceased is the cousin brother of the petitioner. The specific allegation of shot fire is against co-accused Ajay Yadav. The postmortem report is not in consonance with the prosecution case as alleged against the petitioner, as only entry wound of size 1/2" x 1/2" was present over left side of chest and the cause of death is hemorrhagic shock due to the injury caused by firearm. The petitioner is languishing in custody since 27.06.2022. A statement has been made in para 3 of the petition that petitioner is



accused in one other case apart from the present one.

In contra, learned counsel appearing on behalf of the informant and A.P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the petitioner.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Hilsa P.S. Case No. 459 of 2022.

(Sunil Kumar Panwar, J)

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