

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83601 of 2023

Arising Out of PS. Case No.-167 Year-2023 Thana- VIJAYEPUR District- Gopalganj

Byas Yadav @ Byas Kumar Yadav S/O Birbal Yadav @ Birbal Village-
Madhopur, Ps. Bariyarpur, Dist. Deoria, Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aakash Choudhary

For the Opposite Party/s : Mr.Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-01-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 302, 427, 120(B) of the Indian Penal Code.

3. Prosecution case in nutshell is that while the informant's brother was working on his land, co-accused persons along with 10-12 unknown, variously armed, came there and surrounded him and started assaulting. It is further alleged that co-accused Amrendra Yadav assaulted him by means of Danda and Birbal yadav assaulted by means of Bhala due to which informant's brother succumbed to



injuries.

4. It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. He is not named in the FIR rather his name surfaced on the basis of a phone call made by co-accused Krishna Yadav on the mobile number of the petitioner. There is no overt act attributed against the petitioner rather the specific allegation of assaulting to informant's brother is against Amrendra Yadav and Birbal Yadav. Moreover, the petitioner is languishing in judicial custody since 1.7.2023. It is also submitted that co-accused Sanjay yadav has been granted bail vide order dated 02.12.2023, passed in Cr. Misc. No. 74518 of 2023 by this Court.

5. Learned APP appearing for the State has vehemently opposed the prayer for Bail.

6. Considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Vijaipur P.S. Case No. 167 of 2023 on furnishing bail bond of Rs.



10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate XIV, Gopalganj.

(Sunil Kumar Panwar, J)

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