

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83496 of 2023

Arising Out of PS. Case No.-322 Year-2022 Thana- ATRI District- Gaya

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1. Barjesh Yadav @ Brajesh Prasad S/O Dhaneshwar Yadav @ Dhaneshwar Prasad R/O Village- Tetar, P.S.- Atri, District- Gaya
 2. Rajballabh Kumar @ Rajballabh Yadav S/O Late Rajendra Prasad @ Rajendra Yadav R/O Village- Tetar, P.S.- Atri, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad

For the Opposite Party/s : Mr.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 05-01-2024 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners have filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 147, 148, 149, 307 of IPC & Sections 25(1-b)a, 26, 37 of Arms Act.

As per allegation in the FIR, informant awoke due to sound of gunfire and noticed 9 people including the petitioners on three motorcycles were abusing and asking the informant to open the door. On sound, villagers accumulated on which petitioner No. 2, Rajballabh Yadav



and co-accused Rajesh Yadav fired and fled away. Co-accused Bablu Kumar was apprehended by co-villagers and on search one pistol, three empty cartridges, two motorcycles and one missed cartridge were found from the dickey of the motorcycle bearing Reg. No. BR-27R-2393

It is submitted by learned counsel for the petitioners that the petitioners are innocent and they have committed no offence. They have falsely been implicated in the present case. There is case and counter case between the parties. There is no independent witness of the alleged offence except the informant. Nothing has been recovered from the possession of the petitioners. It is further submitted that nobody has received injury in the alleged offence. Moreover, the petitioners are languishing in judicial custody since 21.09.2023. Similarly situated co-accused Bablu Kumar has already been granted bail vide order dated 18.05.2023, passed in Cr. Misc. No. 19563 of 2023 by



the co-ordinate Bench of this Court.

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

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Atri P.S. Case No. 322 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gaya.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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