

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86532 of 2023

Arising Out of PS. Case No.-393 Year-2021 Thana- GAYA KOTWALI District- Gaya

Chhotu Yadav @ Bachcha Yadav Son of Late Bachhu Yadv @ Late Om
Prakash Yadav R/o Mohalla - Bangla Asthan, P.S. - Kotwali, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priya Ranjan

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 12-01-2024 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 302, 387, 120(B)/34 of the Indian Penal Code and Section 27 of Arms Act.

As per allegation in the FIR, on the alleged date of occurrence, petitioner along with other co-accused persons came and started abusing the informant. If is further alleged that co-accused Vikash Yadav fired upon the informant to which he narrowly escaped. It is further alleged that co-accused persons caught hold the brother



of informant and co-accused Raja Yadav fired upon him which hit upon his chest and he succumbed to fire arm injuries. Allegation against the petitioner is that he fired upon the informant to which he narrowly escaped.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. Specific allegation of firing on the deceased, namely, Santosh Kumar (brother of informant) is attributed on co-accused persons. There is no specific allegation against the petitioner. Moreover, the petitioner is languishing in judicial custody since 26.06.2023. Co-accused Ranjit Yadav, Pappu Yadav and Raja Yadav has already been granted bail vide order dated 20.06.2022 and 05.12.2022 respectively passed in Cr. Misc. No. 5038 of 2022, Cr. Misc. NO. 4149 of 2022 and 27423 of 2022 by 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 petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Kotwali P.S. Case No. 393 of 2021 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 C.J.M., Gaya.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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