

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5687 of 2025

Arising Out of PS. Case No.-137 Year-2020 Thana- BIHARIGANJ District- Madhepura

Birbal Yadav @ Badho Yadav @ Vado Son of Bisho Yadav Resient of
Village-Parokia Tola, Hathiondha, Ward no. -11, PS-Bihariganj, Distt.-
Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh

For the Opposite Party/s : Mr. Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 07-03-2025 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. This application, for grant of regular bail, arises out
of Bihariganj Police Station Case No. 137 of 2020, disclosing
offences under Section 302, 307, 120(B) of the Indian Penal
Code and Section 27 of the Arms Act.
3. As per the First Information Report, on the date of
occurrence on 27.06.2022, in the night, at about 1:40 am, the
accused arrived at the door of the informant and knocked the
door by saying that police party has arrived and when the
husband of the informant opened the door, all the named
accused persons started firing upon the husband of the
informant due to which he died. The informant also sustained



two bullet injury and the FIR has been lodged on the basis of fardbayan of the injured wife of the deceased.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to grudge and dirty village politics. From perusal of the FIR, it appears that the instant case has been lodged against 11 named accused persons including the petitioner and 4-5 unknown persons. There is general and omnibus allegation against the petitioner. No specific overt act has been assigned to the petitioner. There is dispute regarding ancestral land between the parties. He next submits that similarly situated co-accused namely Bisho Yadav vide, dated 04.03.2021, in Cr. Misc. No-40421 of 2020, Kailash Yadav vide order dated 04.03.2021 in Cr. Misc. No-37519 of 2020, Ranjeet Mandal vide order, dated 06.01.2023, in Cr. Misc. No-10177 of 2022, Rajesh Kumar @ Rajesh Yadav vide order dated 06.01.2023 in Cr. Misc. No-11382 of 2022, Papal @ Popal Yadav @ Papal Yadav vide order dated 26.04.2023, in Cr. Misc. No-22531 of 2023 and Ghanshyam Mandal vide order dated 29.11.2024 in Cr. Misc. No- 61148 of 2024 have been granted regular bail by the Hon'ble Court. The petitioner is in custody since 08.08.2024.

5. Regards being had to the submissions made by the



parties and taking into consideration the period of custody of the petitioner and the fact that similarly situated co-accused persons have been granted bail by Co-ordinate Bench of this Court, accordingly, I am inclined to grant regular bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount, each to the satisfaction of learned District and Additional Sessions Judge-VIII, Madhepura, in connection to the Bihariganj Police Station Case No. 137 of 2020.

8. This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J)

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