

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65890 of 2024

Arising Out of PS. Case No.-127 Year-2024 Thana- GOPALPUR District- Bhagalpur

Bambam Yadav, aged about 30 years (Male), S/o Late Subhash Yadav,
Resident of Village- Latra, PS - Gopalpur, Distt. - Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Amrendra Kumar, Advocate
For the Opposite Party : Mr. Ram Sevak Choudhary, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 02-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Gopalpur
P.S. Case No. 127 of 2024 dated 06.04.2024 registered for the
offences punishable under Sections 147, 341, 307 of the I.P.C.
and Section 27 of the Arms Act.

3. As per the prosecution case, on 01.04.2024, the
informant Rakesh Kumar Yadav and his father Chetan Yadav
were going to home from Bathan after taking milk and in that
course as soon as they went 500 meter ahead from Bathan,
Bambam Yadav (petitioner), the co-accused Rupesh Yadav,
Subhash Yadav, Suraj Yadav and Mithun Yadav surrounded
them. The co-accused Mithun Yadav gave order to kill them, on



which, the co-accused Suraj Yadav and Subhash Yadav caught Chetan Yadav, the father of the informant, and Bambam Yadav (petitioner) and Rupesh Yadav fired on the back and left hand of Chetan Yadav respectively. When the informant Rakesh Yadav raised alarm, the co-accused Suraj Yadav and Subhash Yadav have also fired on the informant which did not hit him and after hearing sound of firing, nearby people gathered on the spot and thereafter the accused persons fled away. Thereafter Chetan Yadav, the father of the informant, was brought to Sub Divisional Hospital, Nawgachiya from where he was referred to Mayaganj Hospital, Bhagalpur and from where he was referred to AIIMS, Patna, for his better treatment.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that during the course of investigation, the petitioner was arrested and police took his confessional statement in extra judicial custody and except confessional statement there is no other substantive evidence to suggest the implication of the petitioner in the present case. There was dispute between the parties. It is further alleged that the occurrence took place on 01.04.2024 and the F.I.R. has been lodged on 06.04.2024 and the delay in lodging the F.I.R. has not



been explained by the prosecution. There is no eye witness to the alleged occurrence but the informant himself claims to be an eye witness of the alleged offence very cleverly and has falsely implicated the petitioner in the present case. No incriminating article has been recovered from his possession. The other co-accused Bablu Yadav has already been granted bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 55412 of 2024 under order dated 14.08.2024. The petitioner has ten (10) criminal antecedents and out of which in three cases, he has been acquitted as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 14.05.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well the period of custody, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-Ist Naugachia, Bhagalpur in connection with Gopalpur P.S. Case No. 127 of 2024 with further condition:-



I. The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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