

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82761 of 2024

Arising Out of PS. Case No.-139 Year-2017 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Upendra Yadav S/O Shivji Yadav @ Ram Sharan Yadav Resident Of Village-
Paika Charai Kasimpur, P.S- K.Sthan (Tilkeshwar OP), Dist.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Syed Mojibur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 324, 307, 302, 506 of the Indian Penal Code and under Section 27 of the Arms Act.

3. As per the prosecution story, the allegation against the petitioner is that on being instigated by one co-accused, namely, Laxmi Yadav, he handed over the weapons to other co-accused persons namely Bhorhu Yadav, Jiwachh Yadav and Bimal Yadav and using the weapon the other accused persons fired upon the son of the informant in which he died on the spot and the other son got injured by firearm injury.



4. It is submitted by learned counsel for the petitioner that he has been falsely implicated in this case and is not named in the F.I.R. His name is dragged in the case on account of previous grudge and enmity. There is admitted land dispute between the parties. He has no criminal antecedent and his name is disclosed on the basis of confessional statement of co-accused person. Learned counsel for the petitioner further submits that the I.O. of this case, after completion of investigation, has submitted the final form. Similarly situated co-accused has been enlarged on bail by this court vide order dated 15.01.2024 passed in Cr. Misc. No. 84845 of 2023. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court



in connection with Kusheshwar Sthan P.S. Case No. 139 of
2017, subject to the condition as laid down under Section 438
(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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