

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77250 of 2025

Arising Out of PS. Case No.-82 Year-2022 Thana- MORKAHI District- Khagaria

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Botal Yadav @ Surendra Yadav S/o Triveni Yadav R/o vill - Santosh, ward no. 10, P.O. - Chatar, P.S.- Allouli, Distt.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Braj Bhushan Poddar, Adv
For the Opposite Party/s : Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 08-12-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. Supplementary affidavit on behalf of the petitioner
has been filed during course of the day.

3. The petitioner has preferred this application for
grant of regular bail in connection with Morkahi P.S. Case No.
82 of 2022 dated 03.08.2022 registered for the offence
punishable u/s 302 read with 34 of the Indian Penal Code and
Section 27 of the Arms Act.

4. As per the prosecution case, on 01.08.2022 at about
05:30 P.M., the informant along with his elder brother, namely,
Chandan Kumar and nephew Randhir Kumar were returning to



home in the meantime, all the accused persons including the petitioner and three unknown miscreants surrounded the informant's brother by pointing arms. The co-accused Sanjay Yadav shot fire on the head of Chandan Kumar as a result of which he fell down. The petitioner is alleged to have fired on the thigh of Chandan Kumar. The co-accused Rupesh Kumar and the co-accused Subhash Kumar Yadav started firing upon Chandan Kumar due to which he sustained several injuries on his chest and hand. Afterward, all the accused persons fled away from the place of occurrence and nearby people assembled there and took the injured to Khagaria Sadar Hospital, where the doctor declared him dead.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case due to political rivalry as the deceased was elected for PACS President post and petitioner's family was the rival contestant. The petitioner has one antecedent as stated in para 3 of the bail petition. As per the impugned order dated 13.06.2024, the petitioner is in custody since 14.12.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that there is specific allegation against the petitioner of firing upon



the deceased and several gunshot injuries were found on the body of the deceased. The Doctor opined the cause of death due to gun-shot injury. It is further submitted that this is the third attempt on behalf of the petitioner for grant of regular bail. Earlier, the prayer of the petitioner for grant of bail has been rejected by this Court as well by a Co-ordinate Bench of this Court *vide* order dated 18.10.2024 and 04.12.2023 passed in Cr. Misc. No. 65048 of 2024 and Cr. Misc. No. 23433 of 2023 respectively.

7. Countering this, learned counsel for the petitioner has submitted that though the cause of death is mentioned as gun shot injuries but the petitioner is alleged to have fired on the thigh of the deceased which is not a vital part of the body and the main thrust of allegation of firing on the head and chest of the deceased is against the other co-accused persons.

8. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to 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 learned Court concerned, Khagaria, in connection with Morkahi P.S. Case No. 82 of 2022.



9. Accordingly, the application stands allowed.

(Chandra Prakash Singh, J)

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