

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87366 of 2024

Arising Out of PS. Case No.-465 Year-2021 Thana- KHAIRA District- Jamui

Shibu Yadav S/o Keval Yadav Resident of Village- Chaukitand, P.S- Khaira,
Distt.- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Adv

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-01-2025 Heard learned counsel appearing on behalf of

the petitioner and learned counsel appearing on behalf of

the State.

2. The petitioner seeks bail in connection with

Khaira P.S. Case No. 465 of 2021 registered for the

offence under Sections 147, 148, 149, 153(A), 302, 504

and 120(B) of the Indian Penal Code and Section 27 of

the Arms Act.

3. The accused/petitioner is named in the F.I.R.

and is in custody since 01.07.2024.

4. The allegation against the petitioner is to

commit murder of the father of the informant alongwith



other 8 named co-accused persons and 4 unknown co-accused persons by opening indiscriminate firing due to previous enmities, arising out of caste based differences.

5. Learned counsel appearing on behalf of the petitioner submitted that the informant is not the eye witness of the occurrence, as per the face of F.I.R, for the reason that he run away from the place of occurrence before actual firing. It is submitted that basis of implication is the suspicion of informant as it is appearing from the concluding part of the F.I.R. While travelling over the argument, learned counsel for the petitioner submitted that the allegation of firing is very much general and omnibus against this petitioner, where the firearm injuries, as found upon deceased, is not appearing, *prima facie*, convincing in the background of indiscriminate firing as alleged to be made by four accused persons including this petitioner. In this context it is submitted that other co-accused namely Jago Yadav, Lalan Yadav, Bharat Yadav and Bindeshwari Yadav were



acquitted through Sessions Trial No. 456 of 2022 vide order dated 07.10.2024 as passed by learned ADJ-IV, Jamui. While concluding the argument it is submitted that investigation of this case is completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP, while opposing the prayer of bail submitted that the allegation of firing is available against this petitioner.

7. Considering the facts and circumstances as mentioned above, as allegation of firing is not appearing specific against this petitioner, where informant appears not to be an eye witness of the occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Khaira P.S. Case No. 465 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 learned CJM, Jamui/concerned court,



subject to the conditions as mentioned under Section
437(3) of Cr.P.C./ 480(3) of BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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