

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33101 of 2016

Arising Out of PS.Case No. -309 Year- 2015 Thana -PIRPAINTI District- BHAGALPUR

1. Kailash Yadav son of Late Babulal Yadav, resident of Village-Madhuban tola, P.S - Pirpaiti, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh

For the Opposite Party/s : Mr. Sri Nand Kishore Pd

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 26-09-2016

Heard learned counsel for the petitioner and the State.

The petitioner is in custody in a case registered under Sections 302/34,120B of the Indian Penal Code and 27 of Arms Act.

As per FIR the allegation is that on alleged date of occurrence the petitioner along with other accused persons named in the FIR in criminal conspiracy committed the murder of the husband of the informant by using fire arms.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 09.05.2016. Charge sheet has been submitted in this case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has been named in the FIR merely on the basis of suspicion. In course

of investigation the petitioner has been made accused by the co-accused in his confessional statement. There is no eye witness to the alleged occurrence nor there is any circumstantial evidence to suggest the implication of the petitioner in the alleged crime. Other co-accused have been granted bail vide Annexure 9 to the supplementary affidavit.

On behalf of the State and counsel for the informant, it is submitted that the petitioner is not named in the FIR.

Considering the aforesaid facts and circumstances of the case, let, above named petitioner, 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 Sri S.K.Pandey, learned A.C.J.M.-II, Bhagalpur in connection with Pirpaiti P.S.Case No. 309 of 2015.

(Sudhir Singh, J)

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