

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51950 of 2016

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

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1. Ravindar Yadav @ Belari Yadav Son of Babulal Yadav, Resident of village- Madhuban, P.S. Pirpanti, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Panchnand Panddit, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-12-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 01.08.2016 in connection with Pirpainty P. S. Case No. 309 of 2015 registered for the offence punishable under Sections 302, 34, 120 (B) of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that the deceased (Niraj Mishra) had gone to the local bazaar and while returning some miscreants shot the deceased. On getting the information the informant rushed to the place of occurrence to find her husband dead and the petitioner was there. The informant is also alleged to have seen the accused Ravi Ranjan Mishra and Nilesh Thakur. She



had suspicion about participation of the other accused named in the F.I.R.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case. He further submits that he is not named in the F.I.R. and charge sheet has been submitted, hence, there is no chance of tampering with the prosecution evidence. He further submits that there is no eye witness to the alleged occurrence and it is only on the basis of suspicion and confessional statement of another co-accused Bhakuli Yadav @ Lalanjit Yadav that the name of the petitioner surfaced. He submits that confessional statement of co-accused have no evidentiary value in the eye of law.

It has further been submitted that some of accused persons namely, Ravi Ranjan Mishra, Kala Mishra @ Mostt. Kala Mishra and Kailash Yadav have since been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 42776 of 2016 dated 06.10.2016, Cr. Misc. No. 23213 of 2016 dated 04.08.2016 and Cr. Misc. No. 33101 of 2016 dated 26.09.2016 and other persons having been named in the confessional statement have already been granted bail by a Co-ordinate Bench of this Court, which is Annexures -2 and 3 of the



present application.

However, learned A.P.P. for the State submits that the name of the petitioner surfaced during investigation, hence, opposes the prayer for bail.

Considering the facts and circumstances and the F.I.R. named accused and other accused persons have since been granted the privilege of bail and charge sheet has already been submitted, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate- XI, Bhagalpur, in connection with Pirpainty P.S.Case No. 309 of 2015.

(Nilu Agrawal, J)

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