

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9245 of 2017

Arising Out of PS.Case No. -426 Year- 2014 Thana -GOPALPUR District- BHAGALPUR

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1. Navin Yadav, Son of Ramrati Yadav, Resident of Village- Latra, P.S.-
Gopalpur, 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

For the Opposite Party/s : Mr. Sri Manoj Kumar - 1

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 12-04-2017

Heard both sides.

The petitioner seeks bail in Gopalpur P.S. case No.
426 of 2014 under Section 302/34 of the Indian Penal Code and
under Section 27 of the Arms Act.

The informant, Shankar Kumar Choudhary, alleged
that his elder brother, Pinku Choudhary @ Suman Kumar Sangam
@ Ganesh Choudhary went on his motor cycle bearing registration
No. BR-38F/ 0108 to Naugachhia. Bijay Kumar Singh was
accompanying his brother. At about 7 in the evening the informant
got information that his brother was shot dead. The informant
went to the place of occurrence and found dead body of his
brother with fire arm injuries on his chest and head. The informant
suspected that since his brother solemnized marriage with
daughter of Ajay Kumar Choudhary against his will, Ajay Kumar



Choudhary and others might have killed his brother.

The learned counsel for the petitioner submits that petitioner is not named in the FIR. During the course of investigation, none of the witness disclosed the name of petitioner. Local Chowkidar Brahmdeo Paswan and Gainu Tatwa disclosed that Navin Yadav, Gandhi Yadav and Sajan Singh shot dead Pinku Choudhary although the Chowkidars are not eye witnesses of the occurrence. Sajan Singh was apprehended and he is said to have confessed his guilt and disclosed the name of the petitioner. Save and except confessional statement of Sajan Singh, there is no other material against the petitioner. Sajan Singh has already been granted bail.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II, Naugachhia (Bhagalpur) in Gopalpur P.S. Case No. 426 of 2014 (G.R. No. 1495 of 2014).

(Prabhat Kumar Jha, J)

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