

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10032 of 2019

Arising Out of PS. Case No.-266 Year-2018 Thana- KHAJANCHI HAT District- Purnia

Lalan Yadav, aged about 24 years (male), Son of Bhumi Yadav, R/o Village- Bhokraha, P.S.- K.Nagar, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bidhu Ranjan

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-02-2019 Heard leaned counsel for the petitioner and
learned APP for the State.

The petitioner is languishing in custody since 27.09.2018 in a case registered for the offences punishable under Section 394 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the fardbeyan of Krishna Jaiswal recorded by S.I. Pankaj Kumar, SHO, K.Hat(Sahayak) Police Station is to the effect that on 23.04.2018 at 9.00 P.M., when he was in his residential house, he heard the sound of gun shot firing, whereupon he came out from his house and saw his brother, Binod Jaiswal @ Pinku Jaiswal lying on the road in unconscious condition. The informant came to know that two accused persons were following his brother on a motorcycle and they shot him on his legs and also snatched the bag of the



brother of the informant, leading to the registration of FIR against two unknown persons. It is further alleged that the name of the petitioner sprang up during investigation on the confessional statement of co-accused Rahul Kumar.

It is submitted by learned counsel for the petitioner that there is no recovery of any firearm from the conscious physical possession of the petitioner and the investigation has already been conclude and the petitioner has not been put on T.I. parade till date. It is further submitted that the name of the petitioner sprang up on the confessional statement of co-accused Rahul Kumar. A statement has been made in paragraph no. 3 of the petition that the petitioner is accused in one other case on the confession of co-accused Rahul Kumar, which shows inimical terms of the petitioner with co-accused, Rahul Kumar, hence his confessional statement with regard to the petitioner could not be relied upon.

Learned APP for the State submits that the name of the petitioner sprang up on the confessional statement of co-accused Rahul Kumar.

Considering the fact that materials on record do not suggest that recovery has been made from the conscious physical possession of the petitioner and



investigation has been concluded and petitioner has not been put on T.I. parade, let the 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 learned **CJM, Purnea** in connection with **K.Hat (Sahayak)** **P.S. Case No.266 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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