

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34490 of 2019

Arising Out of PS. Case No.-542 Year-2018 Thana- KHAGARIA District- Khagaria

RAJESH YADAV @ RAJESH KUMAR Son of Kiro Yadav Resident of
Village-Belahi (Morkahi) P.S.-Alouli, District-Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh
For the Opposite Party/s : Mr. Ansar Ul Haque

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 22-07-2019 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Khagaria P. S. Case No.
542 of 2018 instituted for the offence under Section(s) 302/34
of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for petitioner submits that in this
case informant is not an eye witness.

In the written report, informant has alleged that on
the date of occurrence after hearing sound of firing near Gaddi
of Arun Singh he came and found 9 persons including this
petitioner were running away on three motorcycles. The
informant has further alleged that on the orders of accused
Lalo Yadav and Kiro Yadav, accused Rajesh Yadav (petitioner)
and Pappu Yadav made firing on the father of informant,



namely, Padum Lal Rai, on account of which father of informant sustained firearm injury and died at the spot.

Learned counsel for petitioner has submitted that the statement of Arun Singh is available in para 51 of the case diary, wherein, he has stated that three persons came on motorcycle and fired on the father of informant. He further stated that deceased had old enmity with Lalo Yadav due to land dispute.

Learned counsel for petitioner has further submitted that in para 24 of the case diary description of CCTV footage is available, wherein, it is stated that from analysis of footage of CCTV camera installed near the place of occurrence it appears that three persons came on motorcycle and made firing. CCTV footage does not reflect the face of petitioner. It is further submitted that no TIP of the petitioner was ever held.

Learned counsel for State after verifying the aforesaid paragraph submits that in all those paragraphs name of this petitioner did not come.

In this manner, mere suspicion has been raised by the informant in the written report. The informant has categorically stated in FIR that he found nine person including this petitioner running away on three motorcycles. In this manner, the



informant is not an eye witness.

The other co- accused of this case has already been granted regular bail by co-ordinate Bench of this Court by order passed in Cr. Misc. no. 78422 of 2018.

Petitioner is in custody since 1.11.2018.

Considering the aforesaid, let the petitioner, above named, 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 the Addl. District and Sessions Judge IV, Khagaria, , in connection with Khagaria P. S. Case No. 542 of 2018, GR No. 2223 of 2018, Sessions Trial no. 46 of 2019 subject to the condition that both the bailors shall be the close relative of the petitioner.

(Sanjay Priya, J)

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