

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74497 of 2018

Arising Out of PS. Case No.-343 Year-2018 Thana- NATHNAGAR District- Bhagalpur

SINTU KUMAR YADAV @ SINTU KUMAR son of Anil Yadav @ Amla Yadav, Resident of Village- Nayatola, Karela, P.S. Nathnagar Madhusudanpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha
For the Opposite Party/s : Mr.Sri Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 19-02-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 28.5.2018 in a case registered for the offences punishable under Sections 307/34 of the I.P.C. and Sections 25(1-B) a, 26,27 and 35 of the Arms Act

The prosecution case is that the informant Sub-Inspector of Police, Madhusudanpur O.P. received an information on 27.5.2018 at 2.15 P.M. that one Pankaj Yadav has been shot.. Thereafter, raid was laid when from the orchard, the petitioner was apprehended and two country made pistols and live cartridges were recovered from his orchard. On arrest, the petitioner confessed that he was hired for killing the deceased.

It is submitted by learned counsel for the petitioner that



two FIRs have been registered with regard to the same occurrence – one being the present case Nathnagar (Madhusudanpur) P.S. Case No. 343 of 2018 under Sections 307/34 of the I.P.C. and Sections 25(1-B) a, 26,27 and 35 of the Arms Act and the other filed by the informant but bearing same number but under Sections 341,323,324,504 and 506/34 IPC and Section 3(i) of the SC/ST (Prevention of Atrocities) Act.

The report transmitted by the learned court below kept at Flag A, reflects that two cases have been registered with the same Police Station Case Number.

It is further submitted that there is no eye witness to the occurrence and the petitioner was caught only on the basis of suspicion. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. The impugned order does not suggest any injury being caused to Pankaj Yadav, however, on the basis of recovery and confession made before the police, the petitioner has been made accused in the present case.

Learned APP submits that there is specific accusation against the petitioner.

Considering the fact that the investigation has already been concluded, statement being made in paragraph 3 of the



petition that the petitioner is not having any criminal antecedent and the period in custody, 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 learned ACJM I, Bhagalpur in connection with Nathnagar (Madhusudanpur) P.S. Case No. 343 of 2018.

(Dinesh Kumar Singh, J)

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