

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45857 of 2019

Arising Out of PS. Case No.-175 Year-2008 Thana- BAIRIYA District- West Champaran

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MUKESH YADAV Son of Late Thakur Yadav @ Thakur Prasad Yadav
Resident of Village - Fatuchhapur, P.S.- Bairiya, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Ahmad Ali

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the offences under Sections 302, 201, 120B, 34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case in short is that the accused persons, variously armed, opened fire on the husband of the informant due to which he sustained injury and later succumbed to the injury.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 20.3.2019. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. The petitioner is not named in the F.I.R. The name of the



petitioner has transpired on the basis of confession of co-accused. Except for suspicion, there is no other substantive evidence to suggest his implication in the present case. There is no eye witness to the alleged occurrence nor there is any circumstantial evidence to suggest the participation of the petitioner in the present case.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 175 of 2008.

(Sudhir Singh, J)

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