

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5354 of 2020

Arising Out of PS. Case No.-62 Year-2010 Thana- BHAGWAN BAZAR District- Saran

PANKAJ YADAV Son of Ram Prabesh Yadav Resident of Village - Tahirpur,
P.S.- Ranipur, District - Mau (U.P.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Vaishnavi Singh, Mr. Pravin Kumar
For the Opposite Party/s	:	Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 29-05-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of Virtual Court proceeding.

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 394, 302 of the Indian Penal Code and
27 of the Arms Act in which Sections 411 and 120(B) of the
Indian Penal Code were added later on.

The prosecution case in short is that while the
informant and the deceased were on patrolling duty on
motorcycle, the accused persons fired due to which person
sitting behind (deceased) sustained injuries and later the
deceased succumbed to the injuries. The accused persons also



looted their official arms.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 11.10.2019. 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. There is no recovery of any incriminating articles including the looted service pistol from the possession of the petitioner. The petitioner has not been put on T.I.P. The looted service pistol of the deceased is said to have been recovered from co-accused namely Raj Srivastava. The only material for implicating the petitioner in the present case is that the petitioner has criminal antecedents. Except for this, there is no substantive evidence to suggest his implication in the present case.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R. The name of the petitioner has transpired in course of investigation. The petitioner has criminal antecedents.

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, Saran at Chapra in connection with Bhagwan Bazar P.S. Case No. 62 of 2010.

(Sudhir Singh, J)

Pankaj/-

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