

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14336 of 2020

Arising Out of PS. Case No.-285 Year-2015 Thana- KONCH District- Gaya

Jairam Yadav, aged about 41 years (male), son of Ragho Yadav, resident of village-Tolpura, P.S. Bandeya, Distt- Aurangabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Banwari Sharma, Adv.
Mr. Shiv Kumar, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 31-08-2020 Heard learned counsel for the petitioner and learned
APP for the State, through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Konch P.S. Case No. 285 of 2015 registered for the offence under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the FIR, it is stated by the informant that the lady members of the family informed him that they had heard the sound of firing from the same direction in which the younger brother of the informant had gone. The informant went towards him and found his dead body with gun shot injury. It is stated that he saw Ajay Yadav going towards the village. He learnt that 4-5 accused persons on two motorcycles had shot his brother and had escaped.



It is submitted by learned counsel for the petitioner that admittedly there was no eye witness to the occurrence and the FIR was registered against 4-5 un-known persons. Several years after lodging of the FIR, the name of the petitioner transpired in course of investigation. However, no material has transpired in the investigation to implicate him with the alleged occurrence. It is further submitted that the petitioner is in custody since 28.8.2019, charge sheet has been submitted in the case and a number of similarly situated persons have been enlarged on bail including one Sanjeev Yadav vide order dated 19/6/2019 passed in Cr. Misc. No. 12157 of 2019.

The application for bail is opposed by learned APP for the State who submits that the petitioner has criminal antecedent and his name transpired in course of investigation.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner together with the petitioner having remained in custody for more than one year since 28.8.2019 and the investigation in the case having been concluded, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Konch P.S. Case No. 285 of 2015 on furnishing bail bonds of Rs. 10,000/-



with two sureties of the like amount each to the satisfaction of
the learned Chief Judicial Magistrate, Gaya.

(Partha Sarthy, J)

sushma/-

U		T	
---	--	---	--

