

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18255 of 2020

Arising Out of PS. Case No.-660 Year-2019 Thana- TURKAULIYA District- East
Champaran

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BODHA YADAV Son of Late Rijhan Yadav @ Rijhan Rai Resident of Village
- Laxmipur Gadariya, P.S.- Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Umesh Chandra Verma
For the Opposite Party/s :	Mr. Ashok Kumar, APP
	Mr.Choubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the petitioner and the learned APP appearing for the State.

The petitioner seeks regular bail in connection with Turkauliya (Raghunathpur (O.P.) P.S. Case No. 660 of 2019 for the offence punishable under Sections 302/34 of the Indian Penal Code and 27 of the Arms Act.

The case of the prosecution according to the informant is that the husband of the informant had gone to purchase vegetable by his motorcycle on 14.09.2019 at about 5.30 P.M.



in the evening and after purchasing the vegetable, while he was returning back, in between three unknown accused persons had engaged in indiscriminate firing upon the husband of the informant, resulting in him receiving gun shot injury, to which he is stated to have succumbed subsequently.

The learned counsel for the petitioner has submitted that the petitioner is not named in the FIR, has been falsely implicated in the present case and he is innocent. It is further submitted that the petitioner is languishing in custody since 15.10.2019 and though he is accused in three other cases, but he is on bail in the said three cases. It is further submitted that in the impugned order dated 4.3.2020 it has been wrongly mentioned that 30 cases are pending against the petitioner herein, whereas the fact is that only three cases are pending against the petitioner in which the petitioner is on bail. Lastly it is submitted that there is no material on record to suggest the complicity of the petitioner in the alleged crime, except the confessional statement of the petitioner, which in any view of the matter has got no evidentiary value in the eyes of law. It is also submitted that similarly situated co-accused person, namely Rakesh Sahani @ Rakesh Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated



28.02.2020 passed in Cr. Misc. No. 11642 of 2020.

Per contra, the learned APP appearing for the State has vehemently opposed the prayer for bail.

Considering the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner and taking into account the fact that the petitioner is not named in the FIR and no TI Parade has been held so as to connect the petitioner with the alleged crime, apart from the parity of the case of the petitioner with that of the co-accused person, who has been granted bail by a co-ordinate Bench of this Court, I deem it fit and proper to direct for release of the petitioner on regular bail.

According, the petitioner, above named, is directed to be released on regular bail 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, Motihari, East Champaran in connection with Turkauliya (Raghunathpur O.P.) P.S. Case No. 660 of 2019.

(Mohit Kumar Shah, J)

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