

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18285 of 2020

Arising Out of PS. Case No.-119 Year-2019 Thana- CHANAN District- Lakhisarai

VISHWANATH YADAV Son of Late Shukar yadav Resident of Village -
Mananpur Basti, P.S.- Chanan, Dist.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Dharmendra Kumar Raju
For the Opposite Party/s :	Mr.Umeshanand Pandit
	Ms. Anita Kumari Singh, APP

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 for the petitioner and Ms. Anita Kumari Singh, the learned APP appearing for the State.

The petitioner seeks regular bail in connection with Chanan P.S. Case No. 119 of 2019 (GR No. 1686 of 2019), registered for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act. Subsequently, Sections 17/18/20/23 of the U.P.Act was added.

The allegation is that while the informant along with his elder brother and others were drinking tea at the shop of



Bhikhari Modi, six miscreants, variously armed, came at the said shop and the accused person, who was already present there, namely, Rana Singh took arms from the said unknown miscreants and started firing indiscriminately, which hit the brother of the informant resulting in his death on the spot instantaneously. It is further alleged that the driver of the mukhiya of the panchayat, namely, Chottu Saw was also hit by the gunshot fire and he also died on the spot.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has not been named in the FIR and his name has transpired in the present case on the basis of confessional statement made by the co-accused person, namely, Guddu Kumar Yadav, who has already been granted bail by a coordinate Bench of this Court vide order dated 2.6.2000 passed in Criminal Miscellaneous No. 16973 of 2020. It is further submitted that one other similarly situated co-accused person has also been granted regular bail by a coordinate Bench of this Court vide order dated 27.2.2020 passed in Criminal Miscellaneous No. 86100 of 2019. It is also submitted that the petitioner is languishing in custody since 8.10.2019 and though he is an accused in one another case, but he is on bail in the said case. Lastly, it is submitted that there is no allegation of overt



act.

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

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the parity of the case of the petitioner with that of the co-accused persons, who have already been granted bail, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM 1st Lakhisarai in connection with Chanan P.S. Case No. 119 of 2019 (GR No. 1686 of 2019).

(Mohit Kumar Shah, J)

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