

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27502 of 2020

Arising Out of PS. Case No.-211 Year-2019 Thana- SALIMPUR District- Patna

RAMBALAK YADAV @ KARU S/o Late Bisundeo Singh Resident of
Village-Milki, P.S.-Salimpur, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Ranjan Sinha

For the Opposite Party/s : Mr. Jai Ram Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 05-12-2020 The present case was heard at length on 03.12.2020 and today it has been listed 'For Orders'.

The petitioner seeks regular bail in connection with Salimpur P.S. Case No. 211 of 2019 for the offence registered under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case, in short, is that on 21.10.2019 at 8:00 p.m. the accused persons namely Gaurav Kumar and Suraj Kumar had come to the house of the informant and had taken away her husband. The informant is stated to have followed them and saw that they had reached near the dalan of Dinesh Kumar where the co-accused Pappu Yadav had fired gun shot at her husband, due to which he fell down. The other accused persons are also alleged to have fired gun shots. Subsequently the husband of the informant was taken to the Hospital, where



he died during the course of treatment.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner is languishing in custody since 07.11.2019. It has been further submitted that there is no other substantive evidence except being a case of last seen so as to suggest the complicity of the petitioner in the alleged occurrence. It has also been submitted that similarly situated co-accused person has already been granted bail by a coordinate Bench of this Court vide order dated 27.08.2020 passed in Criminal Misc. No. 13789 of 2020.

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

Having considered the submissions advanced by the learned counsel for the parties, having taken into account the materials available on record and the materials available in the case dairy, I am of the view that the allegations of firing is mainly against the co-accused person namely Pappu Yadav, who is alleged to have fired gun shots at the husband of the informant resulting in his death, however, as far as the petitioner



is concerned, there is no specific allegation of him having engaged in any sort of overt act and moreover, there is minuscule evidence in the case diary to show the complicity of the petitioner herein in the alleged occurrence, hence I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Barh, District-Patna in connection with Salimpur P.S. Case No. 211 of 2019.

(Mohit Kumar Shah, J)

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