

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28857 of 2020

Arising Out of PS. Case No.-771 Year-2017 Thana- HILSA District- Nalanda

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PINTU YADAV @ PINTU KUMAR S/o Vinod Ray @ Vinod Kumar
Resident of Mohalla-Sultanpur, Police Check Post, P.S.-Danapur, District-
Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Advocate

For the Opposite Party/s : Mrs. Anita Kumari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 18-12-2020 The learned counsel for the petitioner and learned A.P.P.

for the State Mrs. Anita Kumari Singh were heard at length day

before yesterday and today the present case has been listed 'For

Orders'.

The petitioner seeks regular bail in connection with Hilsa
P.S. Case No. 771 of 2017 for the offence punishable under
Sections 341, 302, 109/34 of the Indian Penal Code and Section
27 of the Arms Act .

The case of the prosecution in brief, according to the
informant, is that on 07.12.2017 the father of the informant was
called by the co-accused person namely Mainu and Guddu for
preparing the documents pertaining to the land whereafter the
father of the informant had called an advocate and he along with



the informant had left home on a motorcycle, however, on the way near Sant Joseph High School, son of the informant had also joined them. It is further alleged that when the informant and others had reached near Lohanda village at about 2:50 P.M. in the afternoon the accused persons namely Mainu and Guddu who were sitting there from before, had stopped them whereafter the co-accused person namely Guddu had exhorted to kill the father of the informant whereupon the co-accused person namely Guddu @ Rajesh Kumar had fired gun shots on the father of the informant and it is also alleged that the co-accused person namely Mainu @ Shailendra had then fired gun shots on the left ribs of the father of the informant and thereafter the said two accused persons and one another co-accused person namely Surendra Singh had fled away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is languishing in custody since 28.04.2019. It is further submitted that the name of the petitioner has transpired in the present case upon him having made his confessional statement, which has got no evidentiary value in the eyes of law. Lastly, it is submitted that the petitioner has neither been named in the FIR as an accused nor there is any



allegation of any sort of specific overt act as against him.

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

Having considered the submissions made of the learned counsel for the parties as also having considered the materials on record as also those available in the case diary, this Court finds that no allegation has been levelled upon the petitioner to have fired on the father of the informant and moreover there is minuscule evidence on record to connect the petitioner with the alleged crime, hence I deem it fit and proper to direct for release of the petitioner 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 Additional Chief Judicial Magistrate, Hilsa (Nalanda) in connection with Hilsa P.S. Case No. 771 of 2017.

(Mohit Kumar Shah, J)

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