

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61963 of 2019

Arising Out of PS. Case No.-383 Year-2017 Thana- LAKHISARAI District- Lakhisarai

JITENDRA YADAV @ JITENDRA KUMAR Son of Khelo Yadav @ Khelan Prasad Resident of Village- Pipariya, P.S.- Lakhisarai (Pipariya O.P.), District- Lakhisarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vipin Kumar

For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 05-03-2020

Heard learned counsel for the parties.

This application for grant of regular bail arises out of Lakhisarai P.S. Case No.383 of 2017, registered for the offence punishable under Sections 302/120(B)/34 of the Indian Penal Code and 27 of the Arms Act.

It appears from the First Information Report that the informant is the son of the deceased. It also appears, on close reading of the First Information Report, that he has narrated the case of the prosecution on the basis of information, which he had received from his cousin Vikash Kumar. Vikash Kumar, it is alleged, was the eye witness of the occurrence. According to the case of the prosecution, he had seen the persons, named in the First Information Report, engaged in altercation with the victim and subsequently having fired on the



victim, leading to his death. The genesis of occurrence has been given in the First Information Report as elopement/kidnapping of a minor girl, which had led to lodging of the First Information Report, in which matter, the informant's father had acted as mediator for resolution of the dispute.

Learned counsel appearing on behalf of the petitioner has submitted that Vikash Kumar, who has been described as an eye witness, is apparently a chance witness. He would not have been at the place of occurrence in normal course of business. He has argued that the petitioner has been implicated falsely because of the enmity arising out of the earlier case lodged in respect of kidnapping of a minor girl. He has submitted that the informant is admittedly not an eye witness.

Learned Additional Public Prosecutor appearing on behalf of the State, on the other hand, has submitted that considering direct allegation against the petitioner, he does not deserve regular bail at this stage.

The petitioner is in custody since 18.06.2019.

Presumably, the investigation is complete so far as the same relates to the petitioner. It has been stated in paragraph 3 of the application that the petitioner has no criminal



antecedent.

Considering the facts and circumstances, as noted above, this application is allowed.

Let the petitioner, above named, 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 the learned C.J.M., Lakhisarai, in Lakhisarai P.S. Case No. 383 of 2017.

(Chakradhari Sharan Singh, J)

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