

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15184 of 2021

Arising Out of PS. Case No.-38 Year-2020 Thana- JANKINAGAR District- Purnia

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Akhilesh Yadav @ Akhilesh Kumar, Son of Bhupendra Yadav Resident of
Village- Rajwadih Ward No.18, P.S.- Jankinagar, Dist- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saroj Narayan Yadav, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

4 22-11-2021 The applicant/accused in Crime No. 38 of 2020 registered with Janki Nagar Police Station for the offence punishable under Sections 307 and 120(B) of the Indian Penal Code as well as Section 27 of the Arms Act at the instance of the first informant Nandani Devi by this application is seeking his release on bail during the pendency of the trial. Later on, Section 302 of the Indian Penal Code has been added.

Heard the learned counsel appearing for the applicant/accused. He argued that the co-accused with similar accusation, namely, Umesh Yadav is already released on bail by this Court vide order dated 27.01.2021 passed in Criminal Misc. No. 32041 of 2020 and on the principle of parity, the applicant is also entitled for bail.

Drawing my attention to the statement of Sudhanshu



Kumar, son of the deceased Anmol Kumar Sah, it is argued that this alleged eye witness has never named the applicant as a person who fired at the deceased. The learned counsel for the applicant submits that the FIR itself shows that the applicant and the co-accused are neighbour of the deceased and therefore, son of the deceased was very well knowing the applicant. He submits that belated after two and half months, statement of Sudhanshu Kumar came to be recorded under Section 164 of the Cr.P.C., wherein he has improved his version.

The learned Additional Public Prosecutor opposed the bail application by contending that somewhere in the case diary, Sudhanshu has named the applicant as assailant.

I have considered the submissions so advanced and perused the case diary. The statement of Sudhanshu was recorded by the Investigating Officer during the course of investigation. He averred that on one motorcycle two riders came and asked the name of his father, Anmol Kumar Sah and then one of those riders fired bullet at his father causing death of his father. This witness attracted the enmity to the applicant and the co-accused. The said co-accused, Umesh Yadav has already released on bail by this Court vide order dated



27.01.2021 passed in Criminal Misc. No. 32041 of 2020. After two and half months, witness Sudhanshu has improved his version in his statement under Section 164 of the Cr.P.C. Except this statement, nothing has come against the applicant in the case diary.

The applicant is behind the bars since 13.03.2020.

Considering the fact that co-accused with similar accusation, namely, Umesh Yadav is already released on bail by this Court vide order dated 27.01.2021 passed in Criminal Misc. No. 32041 of 2020 as well as the fact that the Investigation of the crime in question is over and therefore, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 38 of 2020 registered with Janki Nagar Police Station for the offence punishable under Sections 302, 307 and 120(B) of the Indian Penal Code as well as Section 27 of the Arms Act be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:-

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with



the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial in expeditious disposal of the trial against him.

(A. M. Badar, J)

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