

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16821 of 2021**

Arising Out of PS. Case No.-93 Year-2020 Thana- CHANDRADIP District- Jamui

PAWAN KUMAR SINGH, Son of Sudama Singh @ Sudam Singh, Resident of Village - Dati Tola Bhagalpur, P.S. - Satgawan, District - Kodarma (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Adv.

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 27-07-2021 Heard learned counsel for the petitioner and learned APP for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects as pointed out by the office within four weeks of normal functioning of the court, failing which the office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 147, 148, 149, 302 of the Indian Penal Code, Section 27 of the Arms Act and $\frac{3}{4}$ of the Explosive Substance Act.

Prosecution case, in brief, is that on 30.06.2020, the brother of the informant was going to new residential house from old residential house and when he reached near temple of



Bajrangbali, then accused persons including the petitioner opened fire upon Rajesh Pd. Yadav @ Gujar Yadav and bullet hit over hand of Rajesh Yadav and on his cry, the informant went there and he saw that Lobendra Yadav threw bomb over his brother Rajesh Pd. Yadav which hit over head of his brother and due to which he died at the spot and thereafter, the accused persons fled away.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not named in the FIR, during investigation statement of witnesses namely Sakaldeo Yadav and Umesh Yadav have been recorded by the police in which they stated that in course of fleeing the accused persons were calling name of petitioner and co-accused Mukesh Kumar. There is no specific overt act against the petitioner only on confessional statement of co-accused, he made accused in the present case. The petitioner is languishing in judicial custody since 14.07.2020. The petitioner has got no criminal antecedent which is mentioned in para 3 of the bail petition. The similarly situated co-accused has been granted bail by a co-ordinate Bench of this Court vide order dated 02.03.2021 passed in Cr. Misc. No.974/2021.



Learned APP for the State vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Chandradeep P.S. Case No. 93/2020 to the satisfaction of learned Court below where the case is pending/ successor court.

(Anjani Kumar Sharan, J)

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