

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19010 of 2021**

Arising Out of PS. Case No.-371 Year-2020 Thana- BUXAR MUFFSIL District- Buxar

KRISHNA YADAV @ KRISHNA KUMAR@ MAHAKAL SON OF
SHIDVJI YADAV RESIDENT OF VILLAGE AND P.O. DEVADHIYAN,
P.S. RAJPUR, DISTRICT- BUXAR, STATE OF BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Roy, Advocate
For the Opposite Party/s	:	Mr. Amitesh Kumar, APP
for the Informant	:	Ms. Divya, Advocate

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 21-10-2021 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in connection with a case registered under sections 302, 307 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the five accused persons are stated to have surrounded the son of the informant and indiscriminate firing by them led to his death. They escaped on three motorcycles being driven by three other accused persons. On being taken to the hospital he was declared dead.

It is submitted by learned counsel for the petitioner that the FIR was registered against unknown. The name of the petitioner transpired in the confessional statement of co-accused



Sheru Yadav made before police which is inadmissible. The petitioner is in custody since 5.12.2020 and has no criminal antecedent. Co-accused Ajay Kumar @ Ajay Kumar Rajak has been enlarged on bail vide order dated 4.10.2021 passed in Cr. Misc. no. 17529 of 2021.

The prayer for bail of the petitioner is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that the name of the petitioner transpired soon after the occurrence in course of investigation in the statement of an independent witness namely Navin Kumar which has been recorded in paragraph no. 53 of the case diary. As per the said statement, some days before the occurrence, the petitioner was making enquiry about the date fixed for harvesting of the crops of the informant.

Having heard learned counsel for the parties and taking into consideration the petitioner having remained in custody since 5.12.2020, charge sheet having been submitted in the case together with grant of bail to co-accused Ajay Kumar, the Court directs the petitioner to be enlarged on bail in connection with Buxar (Mufassil) P.S. Case no. 371 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the



learned Chief Judicial Magistrate, Buxar.

(Partha Sarthy, J)

Prakash/-

U			
---	--	--	--

