

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19003 of 2021**

Arising Out of PS. Case No.-43 Year-2020 Thana- BANGAWON District- Saharsa

RAUSHAN KUMAR SON OF GAJENDRA YADAV R/O VILLAGE-KHAIRA, WARD NO.-08, NADO P.S.- SAUR BAZAR, DISTRICT-SAHARSA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shekhar Kumar Singh, Adv.  
For the Opposite Party/s : Mr. Akbar Ali, APP

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

3      15-11-2021      Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 201, 120B and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the informant learnt about the killing of her husband. She states that her co-sister (sautan) Sunita Devi as also accused Raushan Yadav, Anil Yadav and Arun Yadav shot and killed her husband as a result of conspiracy.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the F.I.R. Learned court below has committed an error in the order rejecting the bail of the petitioner which would be evident from the contents of the



F.I.R. together with the descriptions of the petitioner in the petition as also in the vakalatnama. The accused Raushan Yadav named in the F.I.R. is son of Late Sitaram Yadav resident of village Laxmipur. The name of the father of the petitioner is Gajendra Yadav. He is resident of village Khaira. It is further submitted that the material being relied on against the petitioner and which has transpired in course of investigation is his confessional statement made before police. There is no eye witness to the occurrence. The petitioner is in custody since 26.9.2020 and investigation in the case has concluded.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the petitioner having remained in custody for over 1 year, the Court directs the petitioner to be enlarged on bail in connection with Bangaon P.S. Case no.43 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 Additional Chief Judicial Magistrate 1<sup>st</sup>, Saharsa.

**(Partha Sarthy, J)**

Saurabh/-

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