

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22447 of 2021

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

SHERU YADAV @ SHERU SINGH Son of Kameshwar Singh Resident of
Village - Trilochanpur, P.S.- Rajpur, Distt.- Buxar, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Soni Srivastava, Adv.
	:	Mr. Anil Kumar Roy, Adv.
For the State	:	Mr. Mrs. Indivar Kumar. APP
For the Opposite Party/s	:	Ms. Divya, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-11-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned counsel for the informant as well as the learned A.P.P. for the State.

The petitioner seeks bail in connection with Buxar Muffasil P.S. Case No. 371 of 2020 for the offence under Sections 307, 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

Altogether five unknown persons are said to have fired indiscriminately as a result of which the son of the informant got firearm injuries and died.



Learned counsel appearing for the petitioner submits that the petitioner is innocent and has not committed any offence. In fact, the petitioner is not named in the F.I.R. and he has been made accused in this case merely on the ground of his confession before the police which has no evidentiary value in the eye of law. Neither any cogent material has come during course of investigation against the petitioner except confession nor he has been put on T.I. parade as yet. Moreover, two co-accused, namely, Ajay Kumar @ Ajay Kumar Rajak and Kirshna Yadav @ Krishna Kumar @ Mahakal, having more or less similar allegations have already been granted bail by a co-ordinate Bench of this Court vide order dated 04.10.2021 and 21.10.2021 passed in Cr. Misc. No. 17529 of 2021 and 19010 of 2021, respectively. The petitioner being the victim of circumstance is rotting in judicial custody since 05.12.2020.

Learned counsel for the informant along with learned A.P.P. has, vehemently, opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand)



with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar (Muffasil) P.S. Case No. 371 of 2020, subject to the following condition:

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rajesh Kumar Verma, J)

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