

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25423 of 2021

Arising Out of PS. Case No.-205 Year-2020 Thana- BANMANKHI District- Purnia

Bablu Yadav @ Babul Yadav Son of Prahlad Yadav Resident of Village-
Tetrahi, P.S.- Jankinagar, District- Purnia.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar

For the Opposite Party/s : Mr. Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

4 15-12-2021 The applicant/accused in Crime No. 205 of 2020 registered with Banmakhi Police Station for the offences punishable under sections 394 and 302 of the Indian Penal Code as well as under section 27 of the Arms Act, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel for the applicant. He submits that the applicant is falsely implicated in the crime in question on the basis of the confessional statement of co-accused. It is argued that the co-accused against whom there is similar evidence are directed to be released on bail. Learned counsel further argued that though according to the prosecution case, at the instance of the applicant, a country made revolver is recovered, there is no evidence to show that the said weapon



was used in the crime in question.

According to the learned prosecutor the co-accused has confessed the crime and has named the applicant in the commission of crime.

I have considered the submission so advance.

The FIR of the subject crime is against unknown accused persons. The first informant Arvind Kumar alleged that his brother Birendra Kumar was shot dead by unknown assailants for robbing the amount of Rs. 1.91 lakhs from him. Co-accused Dilip Kumar Sah, Mohamma Mojib and Suraj Sharma against whom similar allegations are there are directed to be released on bail by the coordinate benches of this Court vide orders dated 26.8.2021, 27.9.2021 and 25.10.2021 in Cr. Misc. Nos. 30211 of 2021, 31739 of 2021 and 17097 of 2021 respectively.

In this view of the matter, further pre-trial detention of the applicant who was not even subjected to the Test Identification Parade though it is averred that some shopkeepers had witnessed the incidence, came to be conducted by the prosecution, the following order.

The application is allowed.

The applicant/accused in Crime No. 205 of 2020



registered with Banmakhi Police Station is directed to be released on bail on executing P.R. Bond of Rs. 10,000/- (Ten Thousand) on furnishing sureties 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 not repeat the trial in expeditious disposal of the trial against him.

(III) The applicant to remove all office objections forthwith and the Registry to issue bail-writ as per this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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