

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14070 of 2021

Arising Out of PS. Case No.-169 Year-2018 Thana- BALIYA District- Begusarai

DILIP YADAV S/o Late Gulo Yadav Resident of Village-Pratarpur, P.S.-
Dandari, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shantanu Kumar, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 16-07-2021 Heard learned counsel for the petitioner and learned counsel for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Baliya P.S. Case no. 169 of 2018 registered under sections 307, 326 and other sections of the Indian Penal Code and section 27 of the Arms Act.

As per allegations in the FIR, three accused persons on a motorcycle are stated to have come and started to fire indiscriminately as a result of which the informant and one Sanjit Singh sustained gun shot injuries in their legs.

It is submitted by learned counsel for the petitioner that the FIR was registered against three unknown. It is submitted that the name of the petitioner transpired in course of investigation. The material that has transpired in course of investigation has been dealt with in detail by the learned Court below while rejecting the application for bail of the petitioner. From perusal of the same it would transpire that the name of the petitioner transpired in the confessional statement of co-accused



Nilesh Kumar. Even as per the said confessional statement, petitioner is not stated to have participated in the occurrence but it is alleged that he was the supplier of the arms and ammunitions for giving effect to the occurrence. It is further submitted that the said Nilesh Kumar has been enlarged on bail vide order dated 30.1.2019 passed in Cr. Mis. no. 4110 of 2019. The petitioner is in custody since 18.9.2019.

It is submitted by learned counsel for the petitioner that a typographical error has occurred in paragraph no.1 of the petition wherein the FIR number has been wrongly mentioned as Baliya no. 169 of 2019 instead of the correct Baliya 169 of 2018.

The application for bail is opposed by learned counsel for the State.

Having heard learned counsel for the parties and taking into consideration grant of bail to co-accused Nilesh Kumar on whose confessional statement the name of the petitioner has transpired as also the petitioner having remained in custody for 2 years 5 months, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Baliya P.S. Case no. 169 of 2018 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, Begusarai.

Prakash/-

(Partha Sarthy, J)

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