

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30289 of 2020

Arising Out of PS. Case No.-8 Year-2017 Thana- BIHPUR District- Bhagalpur

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Anil Yadav S/o Sahindra Yadav, R/o Vill.-Auliabad, P.S.-Jhandapur O.P.
Bihpur, Distt.-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 05-01-2021 Heard the learned counsel for the petitioner and Shri
Ashok Kumar, the learned APP appearing for the State.

The petitioner seeks regular bail in connection with
S.T. No. 834 of 2018 corresponding to Bihpur (Jhandapur) P.S.
Case No. 08 of 2017 (G.R. No. 28A/2017) for the offence
punishable under Sections 302, 201/34 of the Indian Penal Code
and Section 27 of the Arms Act.

The allegation is regarding the uncle of the informant
having been killed by unknown miscreants.

The learned counsel for the petitioner submits that the
petitioner is innocent, has been falsely implicated in the present
case and is languishing in custody since 29.01.2019. The
learned counsel for the petitioner has further submitted that the
petitioner has not been named in the FIR and he has been



implicated subsequently upon the statement made by the witnesses during the course of investigation to the effect that the deceased was in the habit of living in the company of the petitioner and other accused persons. The learned counsel for the petitioner has further submitted that charge sheet has already been filed in the present case and no prejudice would be caused to the prosecution in case the petitioner is released on bail.

Per contra, the learned A.P.P. appearing for the State has vehemently opposed the prayer for bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also those available in the case diary, this Court finds that prima facie, miniscule evidence is available, as far as the petitioner is concerned so as to connect the petitioner with the alleged crime and moreover, there is no eye witness to the alleged occurrence, hence, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of



learned 2nd Additional District and Sessions Judge, Naugachia
(Bhagalpur) in connection with S.T. No. 834 of 2018
corresponding to Bihpur (Jhandapur) P.S. Case No. 08 of 2017
(G.R. No. 28A/2017).

(Mohit Kumar Shah, J)

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