

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32041 of 2020

Arising Out of PS. Case No.-38 Year-2020 Thana- JANKINAGAR District- Purnia

UMESH YADAV Son of Late Bhumi Yadav Resident of Village - Rajwadih,
Ward No. -18, Police Station - Jankinagar, District - Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, P.P. Incharge

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 27-01-2021 Heard learned counsel appearing for the petitioner as
well as learned Additional Public Prosecutor for the State.

Petitioner is in jail custody since 12.3.2020 in connection with Jankinagar P.S. Case No. 38 of 2020. Initially, the case was registered under Sections 307, 120B of the Indian Penal Code and 27 of the Arms Act but during course of investigation, the husband of the informant died and, accordingly, the case was converted into Section 302 of the Indian Penal Code.

Petitioner is named in the first information report but according to first information report itself, it was co-accused Akhilesh Yadav and 3 to 4 persons committed the alleged crime and so far as petitioner is concerned, he was made accused on account of land dispute. Moreover, the son of informant claimed



himself to be eye witness of the alleged occurrence and his statement under Section 161 of Code of Criminal Procedure was recorded at para 8 of the case diary in which, the son of deceased claimed that two unknown persons shot fire on the informant. The statement of aforesaid witness was recorded under Section 164 of the Code of Criminal Procedure after two and half months of the alleged occurrence and in the aforesaid statement he claimed that petitioner caught hold the deceased whereas FIR named accused Akhilesh Yadav shot fire on the deceased. Moreover, investigation against the petitioner has already been completed.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Shahnawaj Alam, learned Judicial Magistrate 1st Class, Purnia in connection with Jankinagar P.S. Case No. 38/2020.

(Hemant Kumar Srivastava, J)

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