

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 44677 of 2021

Arising Out of PS. Case No.-264 Year-2017 Thana- BARH District- Patna

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Jitendra Yadav @ Jitendra Kumar Son of Jaichand Rai Resident of Village -
Jalgovind, P.S. Barh, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 03-11-2021 Heard learned counsel for the petitioner and learned
Addl. Public Prosecutor for the State.

The petitioner seeks bail in Barh P.S. Case No. 264 of
2017, registered for the offence under Section 302/34 of the
Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, on 13.09.2017 at 3:00
AM, while the informant alongwith her daughter-in-law was
going to attend call of nature, she saw the FIR named persons
including this petitioner standing near her son, who was
watching the crop near the *pipal* tree. It is alleged that when the
informant proceeded ahead, she heard the sound of firing and
thereafter, she saw that petitioner and other two co-accused were



fleeing with pistol in their hands and when she reached near her son and found him dead due to fire-arm injury on his chest. It is further alleged that earlier, this petitioner had pressurized her son for doing illegal work, which was denied by her son, on account of which, her son was killed by the accused persons.

It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case only on suspicion. As per F.I.R. itself, the petitioner was only seen fleeing away with pistol in his hand. There is no eye-witness to the occurrence, as to who fired upon the son of informant. It is further submitted that though, as per F.I.R., petitioner and other two accused were seen fleeing away having pistol in their hands, but as per post-mortem report, only one fire-arm injury has been found on the person of deceased. Petitioner is in custody since 23.01.2021, having no criminal antecedent, as per statement made in paragraph – 3 of the petition. Investigation is complete.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. Let the above named petitioner 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 learned Additional Chief Judicial
Magistrate – 1, Barh, District – Patna in connection with Barh
P.S. Case No. 264 of 2017.

(Prabhat Kumar Singh, J.)

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