

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37505 of 2020

Arising Out of PS. Case No.-232 Year-2020 Thana- NARPATGANJ District- Araria

SHARWESH YADAV @ SARWESH KUMAR YADAV Son of Yoganand
Yadav Resident of Village-Godraha-Bishanpur, P.S.-Narpatganj, Dist-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	M/s Vikram Deo Singh, Ramesh Kumar Singh, Advocates
For the State	:	Mr. Rajesh Kumar, A.P.P.
For the Informant	:	Mr. Bhola Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 15-03-2021 Heard learned counsel for the petitioner, learned
Additional Public Prosecutor for the State and learned counsel
for the informant.

The petitioner has filed the instant application for
grant of regular bail in connection with Narpatganj P.S. Case
no. 232 of 2020 registered under sections 302, 379 and 34 of
the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the first information report, it is
stated that the three named accused persons including the
petitioner herein came variously armed with *lathi*, firearm etc..
While Vijay Bahardar fired on Sintu, the petitioner and one
another assaulted him with *lathi* and *danda* etc..

It is submitted by learned counsel for the petitioner



that the allegations as levelled in the first information report are false and concocted. No occurrence as alleged has taken place. It is further submitted that from perusal of the first information report, it transpires that the allegation of firing is on Vijay Bahardar and so far as the petitioner herein is concerned, he is stated to have assaulted with *lathi* and *danda* etc. along with co-accused Pramod Mandal. It is further stated in reference to the postmortem report that no injury attributable to the petitioner in the first information report has been found in the postmortem report. The petitioner is in custody sine 12.6.2020.

The application for bail is opposed by learned Additional Public Prosecutor for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner is named in the first information report but played an active role in the murder of the son of the informant, which has been described in the case diary by the eye witnesses including Sudhir Yadav whose statement has been recorded in paragraph no. 57 of the case diary as also the petitioner himself, who confessed in detail about the manner of occurrence in paragraph no. 39 of the case diary. It is prayed that the application for bail be rejected.

Having heard learned counsel for the parties and



taking into consideration the submissions made on behalf of the petitioner together with the fact that the main allegation of firing is on Vijay Bahardar and not the petitioner herein together with the fact of chargesheet having been submitted in the case, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Narpatganj P.S. Case no. 232 of 2020 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, Araria.

(Partha Sarthy, J)

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