

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4952 of 2021

Arising Out of PS. Case No.-67 Year-2020 Thana- BIHARIGANJ District- Madhepura

BENI YADAV S/o Bindo Yadav R/o Village - Rajganj, Ward No. -11, P.S. -
Bihariganj, District - Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Singh

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 21-06-2021 This matter is taken up for consideration through
Video Conferencing under the orders of Hon'ble the Chief
Justice.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Bihariganj P.S. Case No.
67 of 2020, registered for the offence punishable under Section
302 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, on 10.03.2020 at 12.45
am, while the informant's father and mother were sleeping at
Basa, some unknown miscreants committed murder of
informant's father.

It is submitted on behalf of the petitioner that
petitioner is not named in the FIR. Name of this petitioner has



come in this case on the basis of confessional statement of co-accused Subhash Sah during course of investigation. There is no eye-witness to the occurrence. Save and except confessional statement of co-accused, there is no material against this petitioner. Petitioner is in custody since 15.05.2020 having no criminal antecedent as stated in para 3 of the petition.

Learned APP however, vehemently opposed the prayer for bail and submitted that informant's mother (wife of deceased) who is eye-witness to the occurrence has identified this petitioner and stated that this petitioner along with other accused persons committed murder of her husband (informant's father) and death is caused by firearm injury and same fact has also been supported by other witnesses.

Considering the facts aforesaid and the nature of allegation, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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