

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10132 of 2021

Arising Out of PS. Case No.-106 Year-2020 Thana- SALAKHUA District- Saharsa

Roushan Yadav @ Roshan Yadav S/O Bijay Yadav @ Vijay Yadav Resident
of Village- Parsaha, P.S.- Salkhua (Banma O.P.), District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Adv.
For the State : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3	20-07-2021	Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State through video conferencing. The petitioner has filed the instant application for grant of regular bail in connection with Salakhua P.S. Case no. 106 of 2020 registered under section 396 of the Indian Penal Code to which sections 302 and 394 of the Indian Penal Code and section 27 of the Arms Act were added subsequently. As per allegations in the FIR, five accused persons surrounded the informant and on threat took away Rs. 1100/ in cash, mobile phone, etc. They also assaulted him. It is further stated that from the conversation between the accused persons the name of the one of the accused persons namely, Raushan transpired. It is stated that firing by one of the accused resulted in gunshot injury in the head of his brother-in-law as a result of which he fell down. He was taken to the hospital, however he
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		died. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. In spite of being in custody since 23.7.2020, he has not been put on T.I Parade. The reason for his false implication is his antecedents. Further referring to the postmortem report of the brother-in-law of the informant, it is submitted that the allegations in the FIR are falsified in so far as no firearm injury has been found in the postmortem report. The application for bail is opposed by learned Additional Public Prosecutor for the State. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the petitioner not having been put on T.I. Parade in spite of being in custody since 23.7.2020, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Salakhua P.S. Case no. 106 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 A.C.J.M.-IV, Saharsa.
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