

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8291 of 2022

Arising Out of PS. Case No.-52 Year-2021 Thana- SHAMBHUGANJ District- Banka

Chhabila Yadav, Son Of Yogendra Pd. Yadav @ Yogendra Yadav, R/o village-
Ghoshpur, P.S.- Shambhuganj, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Mukherjee, Advocate
For the State	:	Mr.Ashok Kumar Singh, APP
For the Informant	:	Mr. Mrityunjay Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 12-10-2022 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Shambhuganj P.S. Case No. 52 of 2021
registered for the alleged offences under Section 302 of the
Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the husband of the informant
was shot dead by unknown criminals and during investigation
the name of the petitioner came up as an accused who along
with other co-accused were involved in murder of the husband
of the informant.



Learned counsel for the petitioner submits that except for confessional statement of the co-accused Sintu Yadav, there is nothing against this petitioner. He has been named in this case merely on suspicion. It is clear from the F.I.R. that the wife of the informant is not an eye witness to the alleged occurrence. She has alleged that her husband was murdered under the conspiracy on dispute over place of construction of a new building of high school between two villages but the petitioner has no concern with the land on which the school was proposed to be built. Learned counsel further submits that nothing incriminating has been recovered from the possession of the petitioner. The co-accused Bikash Yadav has been granted bail vide order dated 19.07.2022 in Cr. Misc. No. 71378 of 2021 and another co-accused Jyoti has been granted bail vide order dated 20.09.2022 in Cr. Misc. No.68616 of 2021 by this Court. Charge sheet has been submitted in this case and the petitioner is in custody since 22.09.2021. The petitioner has got clean antecedent.

Learned APP for the State as well as learned counsel appearing on behalf of the informant have vehemently opposed the prayer for bail made on behalf of the petitioner. Learned counsel for the informant submits that the co-accused had



disclosed the name of this person who conspired with other co-accused persons to kill the husband of the informant.

Perused the records.

Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that except for confessional statement of co-accused, nothing substantive have come up against this petitioner to connect him with the alleged crime and also considering the submission of charge sheet and the period of custody of the petitioner as well as his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IVth, Banka/court concerned in connection with Shambhuganj P.S. Case No. 52 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.



(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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