

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10095 of 2022**

Arising Out of PS. Case No.-121 Year-2021 Thana- PHULWARIYA District- Gopalganj

BIRESH YADAV @ VIRESH YADAV SON OF PRABHU YADAV @  
PRABHU CHAUDHARY RESIDENT OF VILLAGE- JAMASAR, P.S.-  
UCHAKAGAON, DISTRICT- GOPALGANJ, BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Indrajeet Bhushan, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      19-12-2022                      Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act and subsequently converted under section 396 of the Indian Penal Code.

As per the prosecution case, the father of the informant who was returning from a marriage ceremony on his motorcycle was shot dead by unknown accused persons.

It is submitted by learned counsel for the petitioner that the FIR was registered against unknown. The name of the petitioner transpired in course of investigation in the confessional statement of the co-accused made before the police. The said co-accused Nitish Kumar has been enlarged on bail. No incriminating material has transpired against the



petitioner to connect him with the alleged crime. The petitioner is in custody since 30.6.2021 and chargesheet has been submitted in the case.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the contents of the order of the learned trial court, it transpires that the name of the petitioner transpired in the confessional statement of co-accused Nitish Kumar as recorded in paragraph no. 109 of the case diary. The said Nitish Kumar having been enlarged on bail vide order dated 19.9.2022 passed in Cr. Misc. no. 3540 of 2022 together with the petitioner having remained in custody for more than 1 year 5 months since 30.6.2021 and chargesheet having been submitted, the petitioner is directed to be enlarged on bail in connection with Phulwariya P.S. Case no. 121 of 2021 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 Judicial Magistrate 1<sup>st</sup> Class, Gopalganj.

**(Partha Sarthy, J)**

Spd/-

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