

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34290 of 2021**

Arising Out of PS. Case No.-220 Year-2020 Thana- LAUKAHI District- Madhubani

SHANKAR KUMAR YADAV @ MADHUKURIYA @ MADHU KUNYA
Son of Lt. Ram Babu Yadav Resident of Village - Bangama, P.S.- Narhiya,
District – Madhubani Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur,
Mr. Shivam, Adv.
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

3 10-03-2022 Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioner and Mr. Md. Fahimuddin, Additional Public
Prosecutor for the State.

Petitioner seeks regular bail in connection with
Laukahi PS Case No. 220/2020 registered for the offence
punishable under Sections 302/34 of the IPC.

As per First Information Report, while son of the
informant was coming back from the market on his motorcycle,
he was accosted by some miscreants who fired upon his son due
to which, he died. It is further alleged that earlier in the year
2019, some altercation had taken place in a cultural programme
organized during Chhath Puja and again on the Chhath Ghat
some of the accused persons belonging to neighbouring village-
Bangama were indulged in quarrel with the villagers of the
informant and some of the villagers apprehended them and
handed them over to Andhramath police and since then they



were holding grudge against the people of Dhawoli village and the informant belongs to Dhawoli village.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of suspicion only and nobody has seen the occurrence. He further submits that in a previous quarrel between some of the villagers of Bangama village, the petitioner along with other accused persons was apprehended and handed over to the police and on that very basis, the petitioner has been implicated in this case. He next submits that during course of investigation statement of villagers of Dhawoli was recorded in which they have not disclosed the name of the petitioner as an assailant, however, one of the witnesses, whose statement was recorded in para-10 of the case diary, has only said that the petitioner was seen going from the village on his motorcycle. Learned counsel referring to para-29 of the case diary, submits that one of the witnesses has stated that the petitioner informed the witness about the incident and took her on his motorcycle near village-Dhawoli and said that the witness should inform the villagers and family members of the deceased about the incident and accordingly, the submission is that had the petitioner been an assailant, he would not have given lift to the witness on his motorcycle to enable her to reach her village. The



confessional statement of the petitioner was also recorded in which he has allegedly, disclosed that one Sanny Prakash @ Sintu had fired upon the deceased. According to the confessional statement of the petitioner, the petitioner is not the assailant.

Regards being had to the submissions made by the parties and taking into consideration the material on record and the fact that there is no eyewitness to the occurrence, petitioner has been made accused on the basis of suspicion only, he is in custody since 14.12.2020 and the charge-sheet has been submitted, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, SHANKAR KUMAR YADAV @ MADHUKURIYA @ MADHU KUNYA 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-III, Madhubani/the court concerned in connection with Laukahi PS Case No. 220/2020.

(Anil Kumar Sinha, J)

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