

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35115 of 2021

Arising Out of PS. Case No.-87 Year-2020 Thana- BELCHHI District- Patna

1. SAGAR YADAV Son of Hari Yadav Resident of Village- Ganichak, P.S.- Belchi, District- Patna.
2. Reeta Yadav Son of Hari Yadav Resident of Village- Ganichak, P.S.- Belchi, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
		Ms. Priyanka Singh, Advocate
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-01-2022 Heard Mr. Yogesh Chandra Verma, learned senior counsel for the petitioners and Mr. Akshay Lal Pandit, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners seek regular bail in connection with Belchi P.S. Case No. 87 of 2020 registered for the offence punishable under Section 302/34 of the Indian Penal Code 1860 and Section 27 of the Arms Act.

The allegation is that the husband of the informant was surrounded by four persons and one of them namely, Nitish Kumar ordered to kill her husband, upon which, the co-accused Ratan Yadav fired upon the husband of the informant and



subsequently, the order giver Nitish Kumar also fired, due to which, the husband of the informant died.

Learned senior counsel for the petitioners submits that the petitioners are not named in the First Information Report. He further submits that the name of the petitioners have transpired on the basis of re-statement of the informant. He next submits that the presence of the petitioners at the place of occurrence is ruled out inasmuch as the informant has given the description of the occurrence and the person who fired upon her husband in the First Information Report. The submission is that there is no allegation of firing against the petitioner upon the deceased. The petitioner is in custody since 8.2.2021.

Regards being had to the submission made by the parties and taking into consideration the materials on record and the fact that the petitioners are not named in the First Information Report and they are not the assailants as per the allegation made in the First Information Report and their names transpired subsequently in the re-statement of the informant, the petitioners are in custody since 8.2.2021 and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be



released on regular bail on furnishing bail bonds of Rs.10,000/-
(Ten thousand) each with two sureties of the like amount each to
the satisfaction of learned S.D.J.M., Barh, Patna, in connection
with Belchi P.S. Case No.87 of 2020.

It is made clear that at the time of furnishing bail
bonds all the parties shall follow the guidelines regarding social
distancing.

(Anil Kumar Sinha, J)

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