

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26853 of 2022

Arising Out of PS. Case No.-89 Year-2022 Thana- KATORIYA District- Banka

Mukesh Yadav Son Of Mahendra Yadav Resident Of Village - Manjira, P.S.
And District - Banka.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Jha, Advocate
For the Opposite Party/s	:	Mr.Arvind Kumar Pandey (App.84)
For the Informant	:	Mr. Arjun Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-11-2022 Heard learned counsel for the petitioner and learned APP
for the State.

Learned counsel for the petitioner is directed to remove
the defect(s), as pointed out by the Office, within a period of four
weeks.

The petitioner is apprehending his arrest in a case
registered under Sections 302, 120(B)/34 of the Indian Penal Code,
Section 27 of the Arms Act and Sections 3, 4 and 5 of Explosive
Substance Act.

The prosecution case, in short, is that while the father of
the informant was going home, the accused persons fired at him and
also hurled bomb due to which he died on spot.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation of



tampering of witnesses alleged against the petitioner. The petitioner has been made accused due to mistake of fact. The name of the petitioner has transpired merely on the basis of suspicion. Except for suspicion, there is no other substantive evidence to suggest the implication of the petitioner in this case. It has been alleged that due to previous enmity, the deceased might have been killed. Informant is not an eye witness to the alleged occurrence nor there is any circumstantial evidence to suggest the participation of the petitioner in the present case.

On behalf of the State and informant, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Katoria P.S. Case No. 89/2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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