

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40999 of 2021

Arising Out of PS. Case No.-82 Year-2021 Thana- BARHARA KOTHI District- Purnia

ASHISH KUMAR Son of Vilakshan Yadav Resident of Village - Shishwa,
P.S.- Barhara (Raghuvansh Nagar), Distt.- Purnia

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-01-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Barhara (Raghubansh Nagar) P.S. Case No. 82/2021, registered for the offence punishable under Sections 302, 34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3/4 of the Prevention of Witch Practices Act, 1999.

The allegation is regarding the accused persons having entered the room of the wife of the informant, whereafter the two co-accused persons, namely, Rajiv and Sanjiv had caught the wife of the informant while the third co-accused person, namely, Ghuran Yadav, had fired on her



head from his firearms resulting in death of the wife of the informant.

The learned counsel for the petitioner has submitted that the petitioner has not been named in the FIR, is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 16.3.2021. The learned counsel for the petitioner has referred to the FIR in question and has submitted that as far as the petitioner is concerned, there is no allegation whatsoever of him having engaged in any sort of overt act and moreover, he has also not been stated to be present at the alleged place of occurrence. It is further submitted that the petitioner has been falsely implicated in the present case, subsequently, after investigation was conducted by the police, on the suspicion of being an accomplice of the said three co-accused persons, which fact has also transpired from the confessional statement of the co-accused person, namely, Rajiv Kumar.



Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that neither the petitioner has been stated to be present at the alleged place of occurrence nor he has been stated to have engaged in any sort of overt act, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Barhara (Raghubansh Nagar) P.S. Case No. 82/2021.

(Mohit Kumar Shah, J)

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