

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42411 of 2021**

Arising Out of PS. Case No.-646 Year-2020 Thana- PHULWARISHARIF District- Patna

SATENDRA KUMAR @ SATENDRA KUMAR YADAV Son of Late
Krishna Prasad Yadav Resident of Village - Karuarichak, P.S.- Phulwarisharif,
District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Adv.
Mr. Ashok Kumar Jha
For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 01-02-2022 Heard learned Senior Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Phulwarisharif Police Station Case No. 646 of 2020, registered
for the offences punishable under Section 302/120-B/34 of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as per the First Information
Report, is that the nephew of the informant had gone to attend a
marriage ceremony, in which the petitioner and other co-accused
persons surrounded him and co-accused Rakesh Yadav fired
upon the informant's nephew, due to which he died.

Learned Senior Counsel for the petitioner submits that
the petitioner has falsely been implicated in this case and from



perusal of the First Information Report, it would be evident that the informant is not the eye-witness of the alleged occurrence and he reached the place of occurrence after getting information regarding the alleged occurrence. He further submits that no overt act has been alleged against the petitioner and he is not the assailant; rather co-accused Rakesh Yadav has been alleged to have fired upon the informant's nephew. He further submits that the petitioner has got no criminal antecedent and no motive has been attributed against the petitioner. He further submits that the petitioner is a student and has completed his ITI, which would be evident from Annexure-3 to this application. He further submits that the petitioner is in custody since 11.02.2021 and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that the petitioner is not the assailant, he is a student studying in ITI and had gone to the marriage ceremony, charge sheet has already been submitted and the petitioner is in custody since 11.02.2021, having no criminal antecedent and the trial is not likely to be concluded in



near future due to pandemic, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, 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 9th Additional Chief judicial Magistrate, Patna, Phulwarisharif Police Station Case No. 646 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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