

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44467 of 2021

Arising Out of PS. Case No.-94 Year-2020 Thana- SALAKHUA District- Saharsa

PARMANAND YADAV S/O LATE BABAJEE YADAV R/o village-
Bhikharighat, P.S.- Aloli, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. P. K. Shahi, Sr. advocate
For the Opposite Party/s :	Mr. Ram Naresh Ray
For the Informant :	Mr. Shekhar Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 11-04-2022 Heard learned senior counsel for the petitioner, the State and the informant.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 302 and some other allied Sections of the Indian Penal Code and u/s 25(1-b)a, 26, 27, 35 of Arms Act.

As per the prosecution case, on 08.04.2020 while the informant along with her husband and son was coming from the field carrying wheat on horse, 30-35 Naxalites and criminals surrounded them out of whom she identified 8 persons, including this petitioner. All the accused persons fired at her husband and killed him.

It is submitted that that petitioner is innocent and has falsely been implicated in the case. It is next submitted that as per FIR, it is specific case of the informant that petitioner fired shot in the eye of deceased but the post mortem negates the allegation made in the FIR as the doctor did not find any injury in the eye of deceased. Petitioner claims clean antecedent and is



in custody since 31.03.2021 and investigation in this case is complete.

Learned counsel appearing for the State and the informant vehemently opposed the prayer for bail but did not dispute the fact that no injury was found in the eye of deceased. It is further submitted that petitioner has got criminal antecedent and three criminal cases are pending against him.

In reply, learned senior counsel for the petitioner submits that out of three cases in two cases petitioner has already been acquitted and in one case after investigation police submitted final form.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-I, Saharsa in connection with Salkhua PS case No.94/2020.

(Prabhat Kumar Singh, J)

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