

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37150 of 2022

Arising Out of PS. Case No.-91 Year-2022 Thana- HUSSAINGANJ District- Siwan

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Dudhnath Yadav Son of Late Ruby Yadav @ Rukhi Yadav, Resident of
Village- Belbasa, Police Station- Hussainganj, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Shekhar, Adv.

For the Opposite Party/s : Mr. Ram Naresh Ray, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 16-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Hussainganj P.S. Case No. 91 of 2022, lodged under Sections
302, 201, 364, 120(B) of the Indian Penal Code read with
Section 27 of Arms Act.

As per prosecution, the criminal case has been filed
against 16 named accused persons, the informant has alleged
that accused persons had offered a dinner to the brother of
informant in the night on 30.03.2022 and in the early morning
near the Mazar of Makhdum Baba, his brother was killed by fire
arm and his body was thrown. In this case, on the basis of

suspicion 16 persons were made accused including the present petitioner.

Learned counsel for the petitioner submits that petitioner is completely innocent and has committed no offence. He further submits that antecedent of petitioner is clean and he is in custody since 01.04.2022. He also submits that it transpires from the F.I.R. itself that it is based on hearsay material. Learned counsel further submits that in the entire investigation nothing was found against the petitioner, even one Kamlesh Kumar who has made confession but in the said confession the name of petitioner has not been disclosed by him. He also submits that only and only on the basis of suspicion petitioner is in custody.

Learned counsel for the State opposes the prayer for bail and submits that in the confessional statement of Kamlesh Kumar almost all the names except the petitioner has been disclosed.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-

IX, Siwan in connection with Hussainganj P.S. Case No. 91 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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