

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47512 of 2021

Arising Out of PS. Case No.-10 Year-2021 Thana- BARHARA KOTHI District- Purnia

PINKESH KUMAR @ PINKESH YADAV Son of Ashok Yadav @ Ajay Kumar, Resident of Village - Shiswa, Police Station - Barhara Kothi (Raghuwansh Nagar O.P.), District - Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Prasad, Advocate.

For the Opposite Party/s : Mr. Rajeev Nayan, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 08-04-2022 Heard learned counsel appearing on behalf of the petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two weeks of the complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with Barhara (Raghubansh Nagar O.P.) P.S. Case No. 10 of 2021 for the offence punishable under Sections 147, 148, 149, 341, 342, 323, 307, 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution story, in brief, is that the petitioner and other co-accused Akhilesh Yadav, Bhushan Yadav and Nityanand Yadv caused gun shot injury to the husband of the



informant, as a result of which, he died.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the petitioner was one of the members of the unlawful assembly and in this regard material has come in the case diary. No overt act has been committed by the petitioner. Petitioner has clean antecedent and is in custody since 20.01.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the fact that no overt act has been alleged against the petitioner in the F.I.R., in course of investigation also no specific overt act has been alleged by any of the eye witnesses against the petitioner, at best, there is minuscule evidence that the petitioner was also one of the members of the unlawful assembly. Prima facie the petitioner has made out a case to be released on bail.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Purnia in connection with Barhara (Raghubansh Nagar O.P.)



P.S. Case No. 10 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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