

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40511 of 2022

Arising Out of PS. Case No.-592 Year-2021 Thana- ALAMGANJ District- Patna

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Pawan Yadav S/O Lalit Sao Resident Of Khada Kuan, Santoshi Maa Ki Gali,
P.S.- Alamganj, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 12-10-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Alamganj P.S. Case No.592 of 2021 registered for the offences
punishable under Sections 302, 120(B) and 34 of the Indian
Penal Code and Section 27 of the Arms Act.

As per the prosecution story, a dispute had occurred in
between the cousin brother of the deceased and the accused
persons including the petitioner and as per the informant, her
deceased husband, had gone to the house of the accused persons
to pacify the said dispute and at that time a further argument



took place in between the husband of the informant and the accused persons and thereafter the accused persons threatened the husband of the informant to face dire consequences and after that at a tea shop at the instance of co-accused Bishwakarma Sao, the petitioner and other co-accused persons caused fire-arm injury to the informant's husband due to which he died.

The main submissions advanced by the learned counsel Mr. Praveen Kumar for the petitioner are that the informant is not an eye witness of the alleged occurrence of firing and the owner of tea shop where the alleged occurrence took place as per the FIR refused to identify the accused persons at the time of commission of firing in his statement before the police and other witnesses examined during the course of investigation are hearsay witnesses. Further submission is that one co-accused Bishwakarma Sao @ Santosh Sao @ Santosh prasad has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 17575 of 2022 and the learned Court below has discussed all the relevant materials in the order impugned after considering the case diary in respect of the petitioner as well as other co-accused persons and according to the impugned order the co-accused Bishwakarma Sao confessed his guilt as well as role of this petitioner and other co-



accused persons and as per said order the other witnesses only supported the case of the prosecution but specific role of this petitioner in committing the murder of the deceased has not been revealed and in the FIR the informant only raised suspicion against the petitioner and other co-accused persons. Further submission is that the petitioner has been languishing in jail since 08th January, 2022 and the investigation has been completed against him and there is criminal antecedent of one case against the petitioner in which he is on bail.

Learned APP Mr. A.G. appearing for the State has opposed the bail prayer.

In view of above submissions and considering the facts that the co-accused Bishwkarma Sao @ Santosh Sao @ Santosh Prasad who disclosed the role of this petitioner in the alleged crime before the police has been granted bail by a co-ordinate Bench of this Court vide order passed in above-mentioned Cr. Misc. and in view of the facts discussed by the learned Court below in the order impugned the case of the petitioner stands on better footing from the said co-accused Bishwkarma Sao and also considering the petitioner's custody period, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 the concerned Court in connection with
Alamganj P.S. Case No.592 of 2021.

(Shailendra Singh, J.)

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