

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40305 of 2022

Arising Out of PS. Case No.-472 Year-2021 Thana- BIHIA District- Bhojpur

Ajit Kumar @ Prayag Yadav Son Of Rajendra Yadav R/O Village- Karja, P.S.-
Bihiya, District- Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Jee Mishra, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

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 Bihiya
(Bahoranpur) P.S. Case No.472 of 2021 registered for the
offences punishable under Sections 302, 201 and 34 of the
Indian Penal Code and Section 27 of the Arms Act.

As per the allegation, the informant got the
information that his son had sustained bullet injury and upon
reaching the alleged spot the informant found his son in dead
position. The informant has raised suspicion against one Bipin
Kumar Thakur, who was a friend of his deceased son and five to



six unknown persons are alleged to be involved in the alleged crime.

The main submissions advanced by the learned counsel Mr. Sheo Jee Mishra for the petitioner are that the co-accused Narain Thakur @ Namonarain Thakur @ Bablu Thakur who is named in the FIR and against whom the informant raised main suspicion has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.22315 of 2022 and the FIR of the instant case was lodged by the informant mainly on the basis of suspicion and petitioner is not named in the FIR, though against him there is criminal antecedent of two cases but the said cases were lodged under Sections 414/34 and 379/411 of the Indian Penal Code and under Section 27 of the Arms Act. Further submission is that the prosecution has mainly relied upon the statement of this petitioner recorded by the police in making him an accused in the instant matter but except the said statement which has no evidentiary value there is no any legal evidence against him. Further submission is that the petitioner has been languishing in jail since 23rd December, 2021 and after the arrest of the petitioner the police failed to recover any incriminating material from the possession of this petitioner. Further submission is that if the confession of other co-accused



persons made before the police is taken as true even then the main allegation appears against co-accused Bipin Kumar Thakur.

Learned APP Mr. Narendra Kumar Singh appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR. The petitioner is not named in the FIR, the informant raised only suspicion against the accused persons and named two co-accused persons in the FIR and as per the informant, the co-accused Narain Thakur @ Namonarain Thakur @ Bablu Thakur always lived in the company of the deceased and owing to the said reason the informant raised suspicion against him and the said co-accused has been granted bail by a co-ordinate Bench of this Court vide order passed in above-mentioned Cr. Misc. hence the petitioner's case stands on better footing than him. Considering the above facts and submissions, 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 Bihiya (Bahoranpur) P.S. Case No.472 of 2021, on the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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