

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50674 of 2021**

Arising Out of PS. Case No.-66 Year-2021 Thana- AAJAM NAGAR District- Katihar

Vyanjan Kumar Yadav @ Vyanjan Yadav @ Wanjan Kumar Yadav, Son of
Ramrup Yadav, Resident of Village - Choghariya, Mahhabbatpur, Salmari,
P.S.- Azamnagar, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, AP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

4 03-03-2022 Learned counsel for the petitioner submits that interlocutory application, bearing I.A. No. 1 of 2022 has been filed for rectification in the pleading made in para. 1 of the bail application.

Heard Mr. Sharda Nand Mishra, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned APP for the State.

Let the defect(s), if any, be removed within a period of four weeks after complete start of the physical Court.

The petitioner seeks bail in connection with Azam Nagar (O.P. Salmari) P.S. Case No. 66 of 2021 registered under Sections 302, 120B/34 of the Indian Penal Code read with Section 27 of the Arms Act.



Learned counsel for the petitioner submit the petitioner is in custody since 09.04.2021, is a person with clean antecedent, charge sheet has been submitted and the informant alleges that on 03.04.2021 the informant received information at 7.00 P.M. that his brother (deceased), aged about 50 years, was murdered by six unknown persons near Hanuman temple. Accordingly, he reached the place of occurrence. In the meantime, the police reached the place of occurrence and the deceased was taken to hospital where he died during the course of treatment.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is further submitted that eye witnesses at para. 34 and 35 of the case diary have clearly stated that the deceased was killed by Shankar, Santosh and Ajay. Learned counsel further submits that the statement of the wife of the deceased at para. 71 of the case diary was recorded, six days after the occurrence, wherein she has stated that she came to know that the petitioner was also involved in the occurrence. Learned counsel thus submits that eye witnesses have not disclosed the name of the petitioner and the statement of the wife of the deceased was recorded six days after the occurrence and she is a



hearsay witness. It is further submitted that the petitioner has been made an accused merely he is father of Shankar Yadav.

Learned APP opposes the bail application and but is not able to meet the submissions of the learned counsel for the petitioner as made based on the investigation, as recorded in the case diary.

Considering the fact that the petitioner is in custody, is a person with clean antecedent, charge sheet has been submitted, the petitioner, named above, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Katihar in connection with Azam Nagar (O.P. Salmari) P.S. Case No. 66 of 2021.

(Satyavrat Verma, J)

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