

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51414 of 2021

Arising Out of PS. Case No.-85 Year-2021 Thana- MAHISHI District- Saharsa

SHYAM SUNDR YADAV @ SHAYM SUNDER YADAV Son of Late Jagdev Yadav Resident of Village - Purushottampur, P.S. - Nauhatta, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : M/s Krishna Prasad Singh, Sr. Advocate
Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 29-03-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 120B and 34 of the Indian Penal Code and sections 25(1-B)(a), 26, 27 and 35 of the Arms Act.

As per the prosecution case, it is stated that an information was received by the informant from Perwej Alam about his father having been shot dead by accused persons. On reaching the place of occurrence, he saw that his father had been killed.

It is submitted by learned senior counsel appearing for the petitioner that the FIR was registered against unknown. The name of the petitioner transpired in course of investigation. Even as per the material that has transpired in course of investigation and has been referred in the order of the learned court below, it is submitted that in none of the paragraphs the petitioner has been named



as the assailant. It is further submitted that the statement of Perwej Alam has been recorded in paragraph no. 7 of the case diary. If the said Perwej Alam was an eye witness to the occurrence, the name of the accused persons including the petitioner herein, although not an assailant, should have been mentioned in the FIR itself. The petitioner is in custody since 2.6.2021 and chargesheet has been submitted in the case. He has no criminal antecedent.

Heard learned APP for the State

Having heard learned counsel for the parties and taking into consideration the facts of the case, together with the material that has transpired in course of investigation and the petitioner having remained in custody for over 9 months, the petitioner is directed to be enlarged on bail in connection with Mahishi P.S. Case no. 85 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Chief Judicial Magistrate II, Saharsa.

(Partha Sarthy, J)

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