

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59563 of 2021**

Arising Out of PS. Case No.-210 Year-2019 Thana- SHAMBHUGANJ District- Banka

KINODI YADAV @ VINODI YADAV @ KARAN YADAV S/o Late
Rajendra Yadav R/o village- Shivnandanpur Mashari/Masdi, P.S.- Sultanganj,
District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Nurul Hoda, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

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

2 09-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Shambhuganj P.S. Case No. 210 of 2019 instituted for the offences under Sections 302, 120(B) and 34 of the Indian Penal Code read with Sections 25(1-b)a, 26, 27 and 35 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 04.09.2019, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the informant alleges that his sister was married to the petitioner 10 years ago and the deceased used to convey that one day the



petitioner would kill her, further on 04.09.2019, the informant received an information that his sister has been killed by petitioner and one Ashish Kumar Yadav @ Suman by firearm, further the villagers caught both of them and seized the firearm used in the occurrence.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, the marriage was 10 years old and out of the wedlock, three children were born and no case ever came to be instituted within 10 years of marriage as such it is submitted that the informant has falsely implicated the petitioner when he is not an eye-witness to the occurrence. Learned counsel submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that the informant alleges that on 03.09.2019 he received information that two persons had taken his sister somewhere but he did not pay heed to the said information and later on 04.09.2019 he came to know that his sister was killed by the petitioner along with Ashish Kumar. Learned counsel thus submits that from allegation as alleged in the F.I.R. it would manifest that the informant despite not being an eye-witness to the occurrence had alleged as if he or some other persons had seen the occurrence when the F.I.R. is completely



silent in that regard also. It is submitted that the charges have been framed.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that since charges have been framed as such trial will commence, on this the learned counsel for the petitioner submits that though the charges have been framed but the trial till date has not commenced.

At this stage, learned counsel for the petitioner seeks permission to withdraw the present bail application.

Permission is accorded with liberty to the petitioner to renew his prayer for bail in the event if the trial is not completed within a period of nine months from the date of receipt/production of a copy of this order.

Accordingly, this application stands dismissed as withdrawn.

(Satyavrat Verma, J)

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