

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61113 of 2021

Arising Out of PS. Case No.-41 Year-2021 Thana- BANDHUWA KURAWA District- Banka

JYOTISH KUMAR Son of Narayan Lal Sewak Resident of Village - Beltikari
Saraiya, Police Station - Bounsi, District - Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Bandhua
Kurawa P.S. Case No. 41 of 2021 instituted for the offences
under Sections 302 and 34 of the Indian Penal Code read with
Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 19.08.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

The informant in the F.I.R alleges that on 10.08.2021,
one Bibhishan Yadav called the informant's brother (Pankaj
Chaudary, deceased) on his mobile, thereafter at 8:00 pm
informant's brother went out of his house on his motorcycle. It
is further alleged that informant was informed by his brother



that he was shot by Bibhishan Yadav, further when the informant reached at the place of occurrence, his brother disclosed that he was shot by Bibhishan Yadav and others due to previous enmity and his brother died on his way to hospital.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the deceased did not disclose the name of the present petitioner rather he disclosed the name of Bibhishan Yadav as his assailant. Learned counsel submits that petitioner is not even named in the F.I.R nor any suspicion has been raised in the F.I.R. and his name transpired in the case based on the fact that his mobile was found at the place of occurrence at the time of occurrence.

Learned counsel for the informant and learned A.P.P. for the State vehemently oppose the prayer for bail of the petitioner but are not able to meet the submission of the learned counsel for the petitioner that the petitioner is not named in the F.I.R. nor any suspicion was raised against him nor the deceased disclosed his name to the informant.

Considering the fact that the petitioner is in custody, is a person with clean antecedent, charge-sheet has been submitted in the case and taking into consideration the submissions made



by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Bandhua Kurawa P.S. Case No. 41 of 2021.

(Satyavrat Verma, J)

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