

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68616 of 2021**

Arising Out of PS. Case No.-52 Year-2021 Thana- SHAMBHUGANJ District- Banka

JYOTI @ JYOTISH @ JYOTISH KR. YADAV Son of Domi Yadav R/o
village- Belsira, P.S.- Shambhuganj, District- Banka

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Dhananjay Kumar Pandey, Advocate Mr. Ashok Kumar Singh, Advocate
For the Opposite Party/s :	Mr.Satyendra Prasad, APP Mr. Ranjan Kumar Jha, APP Mr.Mirtyunjay Kumar Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

3 20-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Shambhuganj P.S. Case No. 52 of 2021 registered for the alleged offences under Section 302 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the husband of the informant was shot dead by unknown criminals and during investigation the name of the petitioner came up as an accused who along



with other co-accused were involved in murder of the husband of the informant.

Learned counsel for the petitioner submits that except for confessional statement of the co-accused Sintu Yadav, there is nothing against this petitioner. He has been named in this case merely on suspicion. It is clear from the F.I.R. that the wife of the informant is not an eye witness to the alleged occurrence. She has alleged that her husband was murdered under the conspiracy on dispute over place of construction of a new building of high school between two villages but the petitioner does not belong to any of the villages. Learned counsel further submits that nothing incriminating has been recovered from the possession of the petitioner. The co-accused Bikash Yadav has been granted bail by this court vide order dated 19.07.2022 in Cr. Misc. No. 71378 of 2021. Charge sheet has been submitted in this case and the petitioner is in custody since 11.08.2021. The petitioner has got clean antecedent.

Learned APP for the State as well as learned counsel appearing on behalf of the informant have vehemently opposed the prayer for bail made on behalf of the petitioner. Learned counsel for the informant submits that the co-accused had disclosed the name of this person who was driving the



motorcycle while he fired upon the husband of informant riding pillion on the motorcycle and shot him dead.

Perused the records.

Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that except for confessional statement of co-accused nothing substantive have come up against this petitioner to connect him with the alleged crime and also considering the clean antecedent of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IVth, Banka in connection with Shambhuganj P.S. Case No. 52 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three



consecutive dates or in violation of the
terms of the bail, the bail bond of the
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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