

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71378 of 2021**

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

Bikash Yadav @ Vikas Yadav, Son of Late Anarshi Yadav, Resident of Village
- Ghoshpur, Police Station - Shambhuganj, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Surya Narayan Yadav, Advocate
For the State	:	Mr. Akhileshwar Dayal, APP
For the informatn	:	Mr. Ranjan Kumar Jha, Advocate

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

3 19-07-2022 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 corresponding to G.R. No. 550 of 2021 registered for the alleged offences under Section 302 of the Indian Penal Code and Section 27 of the Arms Act.

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



conspired to kill the husband of the informant.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as there is no evidence against him. He has been made accused in this case only on the basis of confessional statement of co-accused Sintu Yadav. The petitioner has no dispute with the husband of the informant and for this reason the informant has not named the petitioner in her fardbayan. Learned counsel further submits that nothing has come on record to connect this petitioner with the alleged offence. The charge-sheet has been submitted in this case and the petitioner is in custody since 11.08.2021.

Learned APP as well as learned counsel appearing on behalf of the informant has vehemently opposed the contention made on behalf of the petitioner. Learned counsel for the informant submits that due to old enmity arising out of Panchayat election and dispute over the encroachment of government land, which was resisted by the deceased, the petitioner conspired and got the husband of the informant killed by hiring criminals. It is difficult to get evidence in such cases against the conspirators. Learned APP as well as learned counsel for the informant fairly concedes that except for the confessional statement, there is no other evidence to connect the



petitioner with the co-accused persons, who shot dead the husband of the informant. The petitioner is also having criminal antecedent.

Perused the records.

Having regard to the fact that nothing has come up against this petitioner for his involvement in the occurrence and connecting him with other co-accused persons and further having regard to the submissions made hereinabove and considering the period of his custody, 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-IV, Banka, in connection with Shambhuganj P.S. Case No. 52 of 2021 corresponding to G.R. No. 550 of 2021, subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.



(iv) 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.

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(Arun Kumar Jha, J)

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