

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2804 of 2023

Arising Out of PS. Case No.-82 Year-2022 Thana- MORKAHI District- Khagaria

Praful Kumar @ Prafull Kumar S/O Jay Jay Yadav Resident Of Village-
Hathwan P.S.- Alouli District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 03-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, informant alleged that while he along with cousins was returning home in the meantime FIR named persons intercepted and fired on the head of his brother due to which he sustained injury. There after he was taken to near hospital where doctor declared him dead.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case merely on the basis of confessional statement of the co-accused Rajiv Kumar. The alleged occurrence took place on 01.08.2022 but this was case



filed after to days delay i.e. on 03.08.2022 without giving any explanation. From perusal of the FIR specific allegation has been made against 8 co-accused and 3 unknown persons not against this petitioner and he is not named in the FIR. During investigation in paragraph-7 of the case diary in which statement of the eye witness namely Sudhir Kumar, (cousin of the informant) had not stated complicity of the petitioner with alleged occurrence. It is further submitted that the petitioner is languishing in judicial custody since 15.10.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Morkahi P.S. Case No. 82 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate Ist Class, Khagaria.

(Sunil Kumar Panwar, J)

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