

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4087 of 2023

Arising Out of PS. Case No.-239 Year-2022 Thana- CHOUTARWA District- West
Champaran

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Chhote @ Chhote Yadav @ Chhotelal Yadav Son of Lalan Yadav R/V-
Bishunpurwa p.S- Bathuwariya, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gauri Shankar Thakur

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

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 28-06-2023 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 365, 302, 201, 120(B)/34 of the Indian Penal Code.

As per prosecution case, the informant's husband received an unknown call, on receiving the call person on the other side started abusing and asked him to come to a random location. The husband of the informant went in that condition itself and thereafter it is alleged that the husband of the informant was killed.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is not named in the F.I.R. He has falsely been implicated in this case due to dirty village politics. During investigation, there is no consistent evidence has come to show the complicity of the



petitioner. There is no eye witness except confessional statement of the co-accused Krishna Sah, which has got no evidentiary value in the eye of law. The petitioner has got no criminal antecedent. It is further submitted that the other co-accused Krishna Sah has already been granted bail by this Bench vide order dated 21.04.2023 passed in Cr. Misc. No. 74250 of 2022. Moreover, the petitioner is languishing in judicial custody since 06.07.2022.

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 period of custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Chautarwa (Bathuwariya) P.S. Case No. 239 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 Additional Chief Judicial Magistrate 1st , Bagaha, West Champaran.

(Sunil Kumar Panwar, J)

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