

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7192 of 2023

Arising Out of PS. Case No.-39 Year-2014 Thana- MOKAMAH District- Patna

Phulchandra Yadav, S/O Dinesh Yadav, R/v- Dumaria, P.S.- Barh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Pandey

For the Opposite Party/s : Mr.Arvind Kumar Pandey (App.84)

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-05-2023 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 Section 364 of the Indian Penal Code.

The prosecution case, in brief, is that the son of the informant, namely, Bulla Rai was killed by the accused persons including the petitioner due to land dispute.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to dirty village politics. No one is the eye witness of the alleged occurrence. No consistent evidence has come against the petitioner during investigation. Save and except suspicion, nothing is against the petitioner. As per viscera report, no Metallic, Alkaloidal,



Glycosidal, Pesticidal or Volatile Poison could be detected. Similarly situated co-accused persons, namely, Bipin Rai, Nawal Rai and Babloo Rai have already been granted bail by different co-ordinate Benches of this Court vide order dated 9.10.2015 passed in Cr. Misc. No. 39246 of 2015, vide order dated 25.06.2015 passed in Cr. Misc. No. 52226 of 2014 & vide order dated 12.8.2015 passed in Cr. Misc. No. 30635 of 2015 respectively. It is further submitted that the petitioner is languishing in judicial custody since 28.08.2022.

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 Mokama P.S. Case No. 39 of 2014 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-III, Barh, Patna.

(Sunil Kumar Panwar, J)

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