

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9461 of 2023

Arising Out of PS. Case No.-254 Year-2019 Thana- SALAKHUA District- Saharsa

SUBHASH YADAV S/O DINESH YADAV Resident of Village- Karhara,
P.S.- Salkhua (Chiriya O.P.), District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Anal, Advocate
		Mr. Binod Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 04-05-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.
2. Petitioner seeks regular bail in connection with Salkhua (Chiriya O.P.) P.S. Case No.254 of 2019 dated 10.11.2019 registered for the offences punishable under Sections 302, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.
3. The main submissions advanced by the learned counsel for the petitioner are that the petitioner is not named in the FIR, during investigation his name surfaced in the re-statement of the informant and there was no enmity between the petitioner and the deceased at the time of alleged occurrence so there was no reason for the petitioner to be involved with co-accused persons in killing the victim and the petitioner has fair and clean antecedent and has been languishing in jail since



20.07.2022 and most of the witnesses examined during investigation are hearsay regarding the alleged role of the petitioner in the alleged crime and petitioner has been made accused mainly on the basis of suspicion.

5. Learned APP appearing for the State has opposed the bail prayer.

6. Having considered the above submissions and mainly the facts that the petitioner is not named in the FIR and he has fair and clean antecedent and he is stated to be the resident of the same village of the informant but his name did not find place in the FIR and several persons were alleged to be involved in the alleged crime of murder of informant's husband and informant claimed herself to be the eye witness of the alleged occurrence, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Salkhua (Chiriya O.P.) P.S. Case No.254 of 2019 .

(Shailendra Singh, J)

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