

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9329 of 2023

Arising Out of PS. Case No.-178 Year-2022 Thana- GWALPARA District- Madhepura

SHIVAM KUMAR @ DHALO YADAV S/O GAJENDRA YADAV @
JHABAR YADAV R/v- Kalyanpatti Ward No. 11, P.S.- Gwalpara, District-
Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 302 of the Indian Penal
Code and Section 27 of the Arms Act.

As per prosecution case, some unknown miscreants
killed the father of the informant.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. Petitioner is not named in the FIR and
the same has been lodged against unknown person. He
submitted that during investigation, the petitioner has been
implicated in the present case only on the basis of confessional



statement of co-accused Nikku Kumar Mahto, which has no evidentiary value in the eyes of law. He further submitted that there is no consistent evidence, no eye-witness of the occurrence to show that the petitioner has involved in the said crime. He is languishing in judicial custody since 18.10.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Udakishunganj in connection with Gwalpara P.S. Case No. 178 of 2022.

(Sunil Kumar Panwar, J)

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