

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18994 of 2023

Arising Out of PS. Case No.-98 Year-2022 Thana- KHARIK District- Bhagalpur

Pawan Yadav Son Of Bhari Yadav @ Mahesh Yadav R/O Village- Latra, P.S.-
Gopalpur, District- Bhagalpur (BIHAR)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rohit Kumar Sharma

For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 19-09-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a case registered for the offences punishable under Sections 302, 307, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

It is a case of commission of murder of the father of the informant.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner is not named in the F.I.R and his name subsequently sprang up on the



basis of self confession which has no evidentiary value in the eye of law. From the CCTV footage, the petitioner was not seen present at the place of occurrence. It is further submitted that petitioner was not the assailant rather it is evident from the F.I.R that one Chandan Sharma had fired upon the deceased and except self confession of the petitioner, no cogent material evidence was collected against the petitioner during investigation. The petitioner is languishing in custody since 29.09.2022. Moreover, other similarly situated co-accused has been granted bail by a coordinate Bench of this Court vide order dated 13.07.2023 passed in Cr. Misc. No. 14205 of 2023.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/-



(Ten Thousands) with two sureties of the like amount
each to the satisfaction of learned Additional Chief
Judicial Magistrate, Naugachiya in connection with Kharik
P.S. Case No. 98 of 2022.

(Sunil Kumar Panwar, J)

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