

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12642 of 2023

Arising Out of PS. Case No.-119 Year-2021 Thana- SIMRI District- Darbhanga

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SUNDAR YADAV SON OF LATE VINAY YADAV R/O MOHALLA/VILL-
SANTPUR TARALAH, P.S.- BISHANPUR, DISTRICT- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kedar Jha

For the Opposite Party/s : Mr.Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 16-05-2023 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 394, 302 of the Indian
Penal Code and Section 27 of the Arms Act.

As per prosecution case, it is stated by the informant
that while his brother-in-law was traveling on his motorcycle,
four unknown accused persons stopped his motorcycle and
looted Rs. 5,000/- in cash besides other articles as mentioned in
the FIR. In the occurrence, gun shot injury was received by the
informant's brother-in-law, who subsequently died in course of
treatment.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case due to



dirty village politics. He has committed no offence. Petitioner is not named in the FIR and the same has been lodged against unknown persons. The name of the petitioner has come into light, on the basis of confessional statement of co-accused Raghunandan Thakur, which has got no evidentiary value in the eyes of law. There is no consistent evidence and no eye-witness of the alleged occurrence. There is no specific overt act against the petitioner. No incriminating articles have recovered from the conscious possession of the petitioner and false confession of co-accused before the police made implication of petitioner in this present case. He further submitted that the other co-accused has already been granted bail by a Co-ordinate Bench vide order dated 20.01.2023 passed in Cr. Misc. No. 40152 of 2022. He is languishing in judicial custody since 11.04.2022.

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, 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 Chief



Judicial Magistrate-IV, Darbhanga in connection with
Simri P.S. Case No. 119 of 2021.

(Sunil Kumar Panwar, J)

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