

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16691 of 2023**

Arising Out of PS. Case No.-44 Year-2021 Thana- SULTANGANJ District- Bhagalpur

1. DURGESH KUMAR @ DURGESH YADAV SON OF JALO YADAV @
PARSHURAM YADAV @ JALO R/O VILLAGE- MIRHATI, P.S.-
SULTANGANJ, DISTRICT- BHAGALPUR
2. SEVAK YADAV SON OF BILASH YADAV R/O VILLAGE- BIHARI
MARAR TOLA, P.S.- MUFFASIL TIKRAMPUR, DISTRICT- MUNGER

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar

For the Opposite Party/s : Mr.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR

ORAL ORDER

2 11-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for regular bail in a case
instituted for the offence under Sections 302 and 120B of the
Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the police got information
that a dead body of a unknown person having gun shot injury is
lying in northern side to P.C.C. road near the field adjacent to
eastern side of house of one Triveni Jha.



It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case. They have committed no offence. Petitioners are not named in the FIR and the same has been lodged against unknown person. On the basis of suspicion, the name of these petitioners have come into light. Petitioner no. 1 is the brother-in-law (*Sala*) and petitioner no. 2 is the *Sarhu* of the deceased. He submitted that there is no eye-witness and no consistent evidence to show that these petitioners have involved in the said crime. He further submitted that the others co-accused have already been granted bail by a Co-ordinate Bench vide order dated 30.08.2022 passed in Cr. Misc. No. 54489 of 2021. Petitioners have got no criminal antecedent as stated in para-3 of the bail petition. They are languishing in judicial custody since 05.11.2022.

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 petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned



Additional Sessions Judge, Bhagalpur in connection with
Sultanganj P.S. Case No. 44 of 2021.

(Sunil Kumar Panwar, J)

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