

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19615 of 2023**

Arising Out of PS. Case No.-170 Year-2022 Thana- GWALPARA District- Madhepura

SHIVAM KUMAR @ DHALO YADAV S/O GAJENDRA YADAV @
JHABAR YADAV R/O VILLAGE- KALYANPATTI, WARD NO. 11, P.S-
GWALPARA, DISTT.- 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.Bharat Bhushan

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 03-07-2023 Heard learned counsel for the petitioner, informant
and learned APP for the State.

The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 302 and 34 of the
Indian Penal Code and Section 27 of the Arms Act.

The informant alleges that her husband was shot
dead by 5-6 accused persons as disclosed by villagers, it is
further alleged that he was shot on account of dispute relating
to Panchayat election.

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 persons. 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. There is no consistent evidence, no eye-witness of the occurrence to show that the petitioner has involved in the said crime. He further submitted that the other co-accused has already been granted bail by a Co-ordinate Bench vide order dated 24.12.2022 passed in Cr. Misc. No. 56596 of 2022. He is languishing in judicial custody since 12.12.2022.

The application for bail is opposed by learned APP for the State, learned counsel for the informant and submitted that the petitioner confessed about his guilt in the confessional statement.

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 J.M.-1st Class,
Udakishunganj, Madhepura in connection with Gwalpara P.S.
Case No. 170 of 2022.

(Sunil Kumar Panwar, J)

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