

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20721 of 2023

Arising Out of PS. Case No.-10 Year-2022 Thana- GARHI District- Jamui

VIJAY YADAV @ VIJO YADAV, aged about 30 years, Male, S/o- SON OF
LATE BIHARI YADAV, resident of VILLAGE- PAISRA JHITHI, PS
GARHI, DISTRICT JAMUI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Advocate

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 22-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.
2. Petitioner seeks regular bail in connection with
S.T. No.38 of 2023 arising out of Garhi P.S. Case No. 10 of
2022 dated 22.06.2022 registered for the offence(s) punishable
under Section(s) 147, 148, 149, 341, 504, 302 and 506 of the
Indian Penal Code and Section 27 of the Arms Act.
3. The main submissions advanced by the learned
counsel for the petitioner are that the petitioner is not named in
the FIR and as per FIR, nine persons have been named but the
petitioner's name did not find any place and also in the FIR
there is no detail of any unknown person being involved in the
alleged crime with the said co-accused persons and the



informant claimed himself to be the eyewitness of the alleged occurrence of murder and as per the allegation levelled by him in the FIR, the main allegation of causing firearm injury to the deceased, who happened to be the father of the informant, is against co-accused Naushad Ansari, Angrez Miya, Ansarul and Kalim Ansari and one other co-accused, namely Lalo @ Safiulla inflicted sword blow at the deceased but the petitioner is not alleged to be involved in any of the said alleged acts. Further submissions are that during investigation, the petitioner's name came into light in the confessional statement of co-accused Abid Miya which has no evidentiary value and after his arrest, the police failed to recover any incriminating material from his possession to connect him to the alleged crime and he has been languishing in jail since 30.08.2022 and against him, the investigation has been completed.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly the facts that the petitioner is not named in the FIR and as per informant, who claimed himself to be the eyewitness of the alleged occurrence, nine named accused persons were involved in committing the murder of his father but the name of this



petitioner does not find place in the FIR in his allegation and against the petitioner, the investigation has been completed , in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail in connection with S.T. No.38 of 2023 arising out of Garhi P.S. Case No. 10 of 2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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