

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27744 of 2023

Arising Out of PS. Case No.-40 Year-2023 Thana- DEO District- Aurangabad

=====

Bikesh Yadav @ Rohit Son Of Shiv Yadav R/O Village - Lal Bigha, P.S.-
Muffasil, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mukul Kumari, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 28-06-2023 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Deo P.S.

Case No.40 of 2023 registered for the offence under Sections

307/34 of the Indian Penal Code Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in

custody since 19.02.2023.

The allegation against the petitioner is to open fire

upon son of informant alongwith other co-accused persons

causing firearm injury on the head of injured where occurrence

arises out of previous enmities.

Learned counsel appearing on behalf of the petitioner

submitted that apparently informant is not the eye-witness of the

occurrence and the implication appears on the basis of suspicion



as it is alleged that some days prior to this occurrence petitioner alongwith other co-accused persons advanced threat to kill the son of informant. It is submitted that on the basis of said suspicion petitioner was apprehended, where his confessional statement was obtained, where in furtherance of which no incriminating material recovered/surfaced to connect this petitioner with the present occurrence. It is also submitted that as per impugned order statement of injured was not recorded during the course of investigation. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as informant is not the eye-witness of the occurrence coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 19.02.2023, accordingly above named petitioner is directed to be released on bail in connection with Deo P.S. Case No.40 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties



of the like amount each to the satisfaction of learned Chief
Judicial Magistrate, Aurangabad/concerned court, subject to the
conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

U		T	
---	--	---	--

