

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31559 of 2023**

Arising Out of PS. Case No.-231 Year-2018 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Dinesh Yadav @ Dina Yadav S/O of Late Kishun Yadav Resident of Mohalla-
Choudhrytola, P.S.- Lodipur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Ghosarvey, Advocate
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 20-06-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Kotwali
(Barari) P.S. Case No. 231/2018 (G.R. No. 1607/2018)
registered for the offence under Section 302/34 of the Indian
Penal Code and under Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 11.07.2022.

The allegation against this petitioner is to commit
murder of brother of informant along with other co-accused
persons by causing fire-arm injuries.



Learned counsel appearing on behalf of the petitioner submitted that petitioner was implicated in this case falsely on the basis of confessional statement of co-accused Kailash Yadav, who named in this case further on the basis of confessional statement of Vikas Kumar @ Vikky Paswan, who has already been granted anticipatory bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 63392 of 2019 vide order dated 06.09.2021. It is submitted that as per the narration of F.I.R. informant appears to be an eye witness of the occurrence but did not name this petitioner. While concluding the argument it is submitted that petitioner found involved in one more case, where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail fairly conceded the fact that petitioner is not named in F.I.R.

Considering the facts and circumstances as mentioned above, as save and except suspicion nothing surfaced against this petitioner during the course of investigation to connect him, *prima facie*, with present occurrence coupled with the fact that charge-sheet has been submitted, where petitioner is in custody



since 11.07.2022, accordingly the petitioner, above named, is directed to be released on bail in connection with Kotwali (Barari) P.S. Case No. 231/2018 (G.R. No. 1607/2018) 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, Bhagalpur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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