

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33119 of 2023

Arising Out of PS. Case No.-144 Year-2022 Thana- DHAMDAHA District- Purnia

=====

Bittu Kumar, Son of Daya Nand Yadav Resident of Village- Amari Kukron,
PS- Dhamdaha, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.Rajendra Prasad Nat

=====

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 341, 302, 120(B) and 34 of the Indian Penal Code and Section 27 of Arms Act.

As per F.I.R., the prosecution case, in brief, is that the husband of the informant was the driver of tractor. On 13.06.2022, five named accused persons intercepted the informant's husband and assaulted him and one of them fired due to which informant's husband sustained gun-shot injury. Thereafter, on the way to hospital, the informant husband died.

Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. The petitioner is not named in the F.I.R. He has falsely been implicated in this case on the basis of suspicion. Nothing incriminating article has been recovered from the conscious possession of the petitioner. There is no specific allegation against the petitioner. The direct allegation is against other co-accused Arjun Mandal who fired upon the deceased. During investigation, there is no consistent evidence has come to show the involvement of the petitioner in commission of the alleged offence. It is further submitted that the other co-accused namely Vikash Yadav has already been granted bail by other co-ordinate Bench of this Court vide order dated 21.06.2023 passed in Cr. Misc. No. 32262 of 2023. Moreover, the petitioner is languishing in judicial custody since 21.10.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner



is directed to be released on bail in connection with
Dhamdaha P.S. Case No. 144 of 2022 on furnishing bail
bond of Rs.10,000/- (ten thousand) with two sureties of the
like amount each to the satisfaction of learned 2nd
Additional Sessions Judge, Purnea.

(Sunil Kumar Panwar, J)

lata/-

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

