

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40185 of 2023

Arising Out of PS. Case No.-19 Year-2022 Thana- UDAKISHUNGANJ District- Madhepura

Pawan Yadav S/O Mahesh Yadav @ Bharri Yadav R/O Latra, P.S- Gopalpur,
Distt.- Bhagalpur.

... .. 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.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 04-12-2023 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 section 302, 120 of the Indian Penal Code and Section 27 of the Arms Act.

As per allegation in the FIR, Manager, namely, Lal Kumar Yadav of Ashirwad Nurshing Home of Uda Kishuinganj Bazar was shot dead by some unknown miscreants about which informant got information by telephonic call. Injured died on the way to hospital. The alleged occurrence took place in the background of election rivalry and land dispute.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case merely on the basis of dirty village politics and suspicion. Neither petitioner is named in the



FIR nor any eye witness was present at the time of alleged occurrence. The name of this petitioner came into light on the basis of confessional statement of co-accused before the police which has got no evidentiary value in the eye of law. It is further submitted that the petitioner is languishing in judicial custody since 18.01.2023. Similarly situated several co-accused persons have been granted bail by this Court as well as co-ordinate Bench of this Court.

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 judicial custody of this 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 Uda Kishunganj P.S. Case No. 19 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 Additional Chief Judicial Magistrate, Udakishunganj, Madhepura.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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