

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39396 of 2022

Arising Out of PS. Case No.-16 Year-2022 Thana- BHARGAMA District- Araria

ANIL YADAV Son of Bechan Yadav @ Bechan Pd. Yadav Resident of
village- Tamua, P.S.- Chhatapur, (Rajeshwari O.P.) District- Supaul

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prafull Chandra Thakur, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 24-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Bhargama P.S. Case No. 16 of 2022 registered for the offences
punishable under Sections 394 and 302 of the Indian Penal Code
read with Sections 27 of the Arms Act.

As per prosecution case, informant's son proceeded
to C.S.P. at Mahthawa. It is alleged that four miscreants on two
motorcycles chased and surrounded him. Thereafter, they tried to
snatch money from the informant and when the same is protested,
they fired upon the informant's son as a result of which he died on
the spot. It is further alleged that they also took away ATM cards
and other papers of the informant's son.



Learned counsel for the petitioner submits that FIR has been lodged against unknown person. The name of the present petitioner has been surfaced during the course of investigation on the basis of information given by spy and thereby confessional statement of the present petitioner has been recorded by the police which has no legal value in the eyes of law. Except confessional statement there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that no incriminating article has been recovered from the possession of the petitioner rather seized article belongs to the present petitioner. No T.I.P. has been conducted uptill now. Moreover, co-accused Niraj Kumar has already been granted bail by co-ordinate Bench of this Court vide Cr. Misc. No. 34885 of 2022 and the case of present petitioner stands more or less on similar footing. Learned counsel for the petitioner submits that petitioner is in custody since 22.02.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, co-accused has already been granted bail by co-ordinate Bench of



this Court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. Ist Class, Supaul in connection with Bhargama P.S. Case No. 16 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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