

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43692 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- GAMAHARIYA District- Madhepura

Prahlad Kumar, S/O Sanjay Yadav @ Sanjay Kumar, Resident of village-
Jogbani, P.S.- Gamhariya, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 01-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), if any, as pointed out by the
office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Gamhariya P.S. Case No. 01 of 2022 registered
for the alleged offences under Section 302 of the Indian Penal
Code and under Section 27 of the Arms Act.

As per prosecution case, 8-10 bike borne armed
miscreants came to the house of the informant and caught hold
of the husband of the informant and shot him dead taking him
outside his house. The name of the petitioner surfaced during
investigation as one of the accused person.

Learned counsel for the petitioner submits that except



for the confessional statement of co-accused Roshan Kumar nothing has come up against the petitioner. There is no material to connect the petitioner with the alleged occurrence, F.I.R. was lodged after delay of two days, but the informant has not named any witnesses who might have seen the occurrence. The informant is herself not an eye witness. Charge sheet has been submitted in this case and the petitioner is in custody since 10.03.2022. The petitioner has no criminal history.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that death of the husband of the informant was caused due to fire arm injury.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the lack of substantive material against the petitioner to connect him with the offence as alleged, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Madhepura in connection with Gamharia P.S. Case No. 01 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:



- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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