

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47220 of 2023

Arising Out of PS. Case No.-139 Year-2022 Thana- KHAJAULI District- Madhubani

Lalit Yadav, Son of Ram Kumar Yadav Village Deuri, P.S. Benipatti, District Madhubani.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with
Khajauli P.S. Case No. 139 of 2022 registered for the offence
under Sections 307, 302, 120B of the Indian Penal Code and
Section 27 of the Arms Act.

4. The accused/petitioner is not named in the F.I.R.
and is in custody since 27.04.2023.

5. The allegation against the petitioner is to commit
murder of the son of the informant alongwith named co-accused
persons by causing firearm injuries, where occurrence arises out
of local disputes and differences.



6. Learned counsel appearing on behalf of the petitioner submitted that informant is not the eye-witness of the occurrence and entire implication is based upon suspicion arises out of previous enmities. It is submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused, namely, Rohit Yadav, whereas said co-accused Rohit Yadav has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 44159 of 2023 dated 21.07.2023. It is further submitted that even single injured eye-witness of the occurrence, namely, Munindra Goit failed to name this petitioner, suggesting that the petitioner was not involved in alleged occurrence. While concluding the argument, it is submitted that petitioner found involved in one more criminal 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.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of fact as save and except suspicion arises out of confessional statement of co-accused, namely, Rohit Yadav, nothing incriminating appears against this



petitioner, whereas injured eye-witness also suggesting nothing regarding involvement of petitioner in occurrence, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 27.04.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Khajauli P.S. Case No. 139 of 2022 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, Madhubani/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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