

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46465 of 2023

Arising Out of PS. Case No.-112 Year-2023 Thana- RAJAON District- Banka

Vishakha Devi Wife of Rakesh Yadav Resident of village - Navtolia, P.S. -
Rajoun, Distt. - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47934 of 2023

Arising Out of PS. Case No.-112 Year-2023 Thana- RAJAON District- Banka

Rakesh Yadav S/O Mahendra Yadav R/O Village- Navtolia, P.S- Rajoun,
Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 46465 of 2023)

For the Petitioner/s : Mr.Dhirendra Kumar

For the Opposite Party/s : Mr.Gauri Shankar Gupta

(In CRIMINAL MISCELLANEOUS No. 47934 of 2023)

For the Petitioner/s : Mr.Dhirendra Kumar

For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 28-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have filed the instant application for
grant of regular bail in a case registered for the offences
punishable under Section 302 of the Indian Penal Code and
Section 27 of the Arms Act.



As per prosecution case, the allegation is that the informant's marriage was solemnized with Balmiki Yadav and blessed with two daughters and one son and on the fateful day, she came to know that someone has shot dead her husband. She went there and saw bullet injury on his head and no one came forward to inform anything about the alleged killing. Accordingly, this case has been lodged.

It is submitted by learned counsel for the petitioners that the petitioners are innocent and committed no offence. They have falsely been implicated in the present case only on the basis of their confessional statement before the police, which has no evidentiary value in the eye of law. It is further submitted that at the time of said occurrence both the petitioners were with the informant and on getting information about the murder of informant's husband, all have run with the informant at the place of occurrence which shows their innocence. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 22.08.2023 passed in Cr. Misc. No. 53346 of 2023. It is also submitted that petitioners are languishing in judicial custody since 12.03.2023.



Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Rajoun P.S. Case No.112 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka, District-Banka.

(Sunil Kumar Panwar, J)

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