

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52672 of 2023

Arising Out of PS. Case No.-116 Year-2021 Thana- SINDHIYA District- Samastipur

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Avinash Kumar @ Avinash Yadav @ Abinash Yadav Son Of Jagdish Yadav
Resident Of Village- Jhajhra,Ps- Kusheshwar Asthan, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Saroj Kumar Sharma
For the Opposite Party/s : Mr.Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 30-10-2023 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under Sections 302, 394/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the informant alleged that at the instance of F.I.R. named co-accused, the son of the informant was robbed and shot dead by unknown miscreants.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. The petitioner is not named in the F.I.R. rather his name has been transpired during course of investigation on the basis of confessional statement of co-accused namely, Nityanand Pandit and Sunil Pandit before the police, which has no evidentiary value in the eye of law. There is no any eye



witness to the alleged occurrence. Except the confessional statement of co-accused, no any cogent evidence has come against the petitioner to show his complicity in the alleged offence. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Moreover, similarly situated co-accused namely, Rakesh Yadav has already been enlarged on bail by this Bench vide order dated 03.05.2023 passed in Cr. Misc. No. 8396 of 2023. It is further submitted that the petitioner is languishing in judicial custody since 23.03.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-II, Rosera (Samastipur) in connection with Singhiya P.S. Case No. 116 of 2021.

(Sunil Kumar Panwar, J)

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