

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58716 of 2022

Arising Out of PS. Case No.-61 Year-2022 Thana- NAUHATTA District- Saharsa

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Sintu Kumar Yadav Son of Sikinder Yadav, R/O Village- Jhitkiya, Ward No.8,
O.P. Arar, P.S.- Gwalpara, District- Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance:

For the Petitioner : Mr. Nafisuzzoha, Advocate

For the Opposite Party : Mr. Dilip Kumar No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 17-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Nauhatta P.S. Case No. 61 of 2022 registered for the offences punishable under Sections 394 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution, the informant's cousin was looted by some unknown miscreants at the alleged place.

The main submissions advanced by learned counsel for the petitioner are that there is only one criminal antecedent

against the petitioner in which he is on bail and similarly situated three co-accused persons namely, Gauri Shankar Kumar, Pappu Kumar and Ashish Kumar Yadav have been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 47490 of 2022, Cr. Misc. No. 61845 of 2022 and Cr. Misc. No. 41495 of 2022 respectively, who were made accused on the basis of same material of their mobile communication with the deceased upon which the petitioner was also implicated in this case and accordingly, there is no any direct evidence against the petitioner except the said mobile communication between the deceased and the petitioner and the investigation has been completed in respect of petitioner and during investigation the police mainly relied upon confessional statement of co-accused namely, Gauri Shankar Kumar in respect of the involvement of the petitioner. Further submission is that the petitioner has been languishing in jail since 25.04.2022.

Learned APP for the State has opposed the bail prayer.

In view of the facts, as stated above and mainly the privilege of bail having been granted to three similarly situated co-accused persons by a co-ordinate bench of this Court, this Court is inclined to accept the bail prayer of the petitioner.

Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Nauhatta P.S. Case No. 61 of 2022.

(Shailendra Singh, J)

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