

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55165 of 2022

Arising Out of PS. Case No.-254 Year-2020 Thana- AMARPUR District- Banka

Fucho Yadav @ Fuchcho Yasdav S/O Fotan Yadav Resident of Village-
Basudeopur, P.S.- Amarpur, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 11-05-2023 Heard Mr. Brij Nandad Prasad, learned Counsel
appearing on behalf of the petitioner and Mr. Arun Kumar
Pandey, learned A.P.P. appearing on behalf of the State.

2. The petitioner seeks pre-arrest bail in connection
with Amarpur P.S. Case No. 254 of 2020 for the offences
punishable under Section 302 and 34 of the Indian Penal Code
and Section 27 of the Arms Act.

3. The prosecution story, in brief, is that husband of
the informant was shot near Ray Pokhar while he was on the
way to Raghunathpur. Thereafter, the informant took her
husband to the hospital, where he died on 13.02.2020 during the
course of treatment. After the husband of the informant was



declared dead, an F.I.R. was lodged by the informant on 20.05.2020 in which she has made allegation against five accused persons including the petitioner.

4. Learned Counsel appearing on behalf of the petitioner informs that the alleged occurrence took place on 04.10.2019 where after the deceased was being treated and admittedly died on 13.02.2020 and an F.I.R. was lodged on 20.05.2020 after delay of nearly more than three months. Petitioner has clean antecedent.

5. Considering the fact that petitioner has made accused on the basis of information given by her co-villager. The incident has taken place on 04.10.2019 and F.I.R. was instituted on 20.05.2020 i.e. nearly after delay of seven months in which informant is not the eye-witness. It appears that petitioner has made out a, prima facie, case to be released on pre-arrest bail.

6. The Court below is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand only) each with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Banka in



connection with Amarpur P.S. Case No. 254 of 2020, subject to
the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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