

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64500 of 2022

Arising Out of PS. Case No.-351 Year-2021 Thana- CHANDAUTI District- Gaya

Phulendra Kumar Son Of Kapil Yadav R/O Village- Guljar Bigha, Makarpur
Tola, P.S.- Makhdumpur, District- Jehanabad Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Tiwari
For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 21-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 302/201/120(B) of the Indian Penal Code and section 27 of the Arms Act.

As per prosecution case, informant alleged that on 09.11.2021 her husband had gone to Makhdumpur market at 11:00 AM, but he did not return home till evening. Later, she got information from the police station that her husband has been killed. Informant further alleged that her husband was a driver and had scuffled on account of land dispute ten days prior with the accused persons including petitioner. Further, she suspects that they killed her husband.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Both parties



are neighbours and there is a land dispute between them due to which the petitioner has falsely been implicated in this case. There is no eye witness of such alleged occurrence rather the entire allegation hinges around suspicion. It is further submitted that there is case and counter case between the parties. Moreover, similarly situated several co-accused persons have already been granted bail by a coordinate Bench of this Court vide order dated 29.11.2022 passed in Cr. Misc. No. 35516 of 2022. The petitioner is languishing in judicial custody since 18.07.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Chadauti P.S. Case No. 351 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- 3rd, Gaya.

(Sunil Kumar Panwar, J)

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