

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68865 of 2023

Arising Out of PS. Case No.-185 Year-2021 Thana- NAUTAN District- Siwan

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Pappu Kumar @ Pappu Yadav @ Pappu Kumar Yadav Son Of Late Vinod
Kumar Yadav Resident Of Village-Barwa, Police Station-Andar, District-
Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 03-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302, 120B and 34 of the Indian Penal Code and Section 27 of Arms Act.

3. Prosecution case in short is that one Sikandar Yadav, Achhaylal Yadav and this petitioner were involved in smuggling of illicit liquor. They were coming from Uttar Pradesh with the consignment of illicit liquor. Sikandar Yadav was driving the scooty and Lalu Yadav was in rear seat with bag of illicit liquor. Achhayal and this petitioner were ahead of them for clearance of passages and lining up. When they reached near Harpur Canal, 5-6 young men have stopped them. Thereafter,



they assaulted Sikandar Yadav and Lalu Yadav by means of lathi and bamboo because they tried to snatch the consignment of liquor from them. In the meantime, Sikandar Yadav tried to flee by scooty to which one young man fired on his head due to which he died on spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner is not named in FIR rather his name came into light in this case on the basis confessional statement of co-accused, namely, Laloo Yadav before the police which has got no evidentiary value in the eye of law. No any specific overt act of firing has been made by the petitioner rather petitioner was only a cleaner in the alleged offence. Nothing has been recovered from his conscious possession. No any cogent material has come against the petitioner in committing murder of the deceased. Similarly situated other co-accused person has already been granted bail by another co-ordinate Bench of this Court vide Anneuxre-2 of this petition. Moreover, the petitioner is languishing in judicial custody since 13.07.2023.

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



6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Nautan P.S. Case No. 185 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 Additional Chief Judicial Magistrate-4th, Siwan.

(Sunil Kumar Panwar, J)

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