

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67257 of 2022

Arising Out of PS. Case No.-199 Year-2022 Thana- MAIRWAN District- Siwan

ADITYA KUMAR YADAV Son of Jiwan Yadav R/v- Imlooli, P.S.- Mairwa,
Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Anupam

For the Opposite Party/s : Mr.Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 11-05-2023 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 392, 302 of the Indian Penal Code and Section 27 of Arms Act.

The prosecution story, in brief, is that while the informant along with this brother was going to his cousin's house, meanwhile, some miscreants intercepted them and snatched Rs. 8,000/- from his brother. On protest, one of the accused persons fired upon the brother of the informant namely, Abhay Kumar Yadav due to which he sustained injury but during course of treatment he died.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Neither the petitioner was put on TI Parade nor he is named in the FIR. The



name of the petitioner has dragged in this case only on the basis of confessional statement of co-accused namely, Prince Kumar which has got no evidentiary value in the eye of law. During course of investigation, no any consistent material has come against the petitioner to connect him with the alleged occurrence. There is also not a single eye-witness of the alleged offence. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. It is further submitted that the petitioner is languishing in judicial custody since 13.6.2022.

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 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 Mairwa P.S. Case No. 199 of 2022 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. VIIth, Siwan.

(Sunil Kumar Panwar, J)

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