

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64876 of 2022

Arising Out of PS. Case No.-224 Year-2022 Thana- RASULPUR District- Saran

Sunil Kumar Yadav Son of Jitan Yadav R/v- Asahani, P.S.- Rasulpur, District- Saran, Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 06-04-2023 Let the defects, if any, pointed out by the office be removed within four 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 Rasulpur P.S. Case No. 224 of 2022 registered for the offences punishable under Sections 302, 120(B) and 34 of Indian Penal Code and Section 27 of Arms Act.

As per the prosecution, the informant's father was shot dead by the FIR named co-accused persons.

The main submissions advanced by learned counsel for petitioner are that the petitioner is not named in the FIR and in the FIR the informant made main allegation against the co-

accused persons namely, Narad Yadav and Kamlesh Yadav and the informant did not claim to be the eyewitness of the alleged occurrence and according to him he got the information of the occurrence from one namely, Sipahi Yadav who was examined during investigation but he did not reveal the name of this petitioner in his statement and five days after the institution of the FIR, the informant filed a petition before the Investigating Officer narrating a different story and stating that on account of political misguidance he named Narad Yadav and Kamlesh Yadav in the FIR and accordingly he retracted from his allegation made in the FIR and thereafter he again recorded his statement before the Investigating Officer in which he revealed the name of this petitioner mainly on the basis of suspicion, thereafter the petitioner was arrested and his statement was recorded and except the said statement there is no any other material against the petitioner. Further submission is that the petitioner has been languishing in jail since 21.08.2022 and there is no direct evidence to connect him to the alleged occurrence of murder.

Learned APP for the State has vehemently opposed the bail prayer and submitted that petitioner confessed his crime before the Investigating Officer and he committed the murder of

the deceased with the help of co-accused persons.

Having considered the submissions made by learned counsel for the petitioner, in my opinion, it is a fit case for bail to 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 Rasulpur P.S. Case No. 224 of 2022.

(Shailendra Singh, J)

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