

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64292 of 2022

Arising Out of PS. Case No.-164 Year-2022 Thana- JAGDISHPUR District- Bhagalpur

Sadanand Yadav Son Of Umesh Yadav R/V- Fatehpur, P.S.- Jagdishpur,
District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha
For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 23-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Jagdishpur P.S. Case No. 164 of 2022 registered under section 302 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case in short, is that, in the night of 02.05.2022, the informant Shobha Devi along with her family and her husband was sleeping in front of her house. It is alleged that at night, on the sound of firing, when the informant woke up then she saw that her husband sustained gun shot injury near his ear due to which he died on spot.

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



falsely been implicated in this case on the basis of suspicion as well as dirty village politics. From perusal of FIR, the informant has not named the petitioner as assailant but after lapse of 16 days the restatement of informant was recorded wherein she developed and changed the entire prosecution story and disclosed the name of the petitioner saying that when she heard sound of firing she woke up and saw the petitioner with pistol in his hand from which he shot fire upon the deceased due to which he succumbed to injury and this fact has been disclosed from statement of informant recorded u/s 164 of Cr.P.C. As per FIR, the informant is not the eyewitness of the alleged occurrence and the allegation against the petitioner is totally false and fabricated. He is languishing in judicial custody since 23.05.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioner, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Jagdishpur P.S. Case No. 164 of 2022 on furnishing bail bond of Rs.



10,000/- (Rupees ten thousand) with two sureties of the like
amount each to the satisfaction of the learned J.M Ist Class,
Bhagalpur.

(Sunil Kumar Panwar, J)

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