

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72232 of 2022

Arising Out of PS. Case No.-196 Year-2022 Thana- AAJAM NAGAR District- Katihar

1. Rajesh Yadav Son Of Prameshwar Yadav R/V- Gopalpur, P.O- Palsa, P.S- Azamnagar, Dist- Katihar
2. Pradeep Yadav Son Of Prameshwar Yadav R/V- Gopalpur, P.O- Palsa, P.S- Azamnagar, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 72270 of 2022

Arising Out of PS. Case No.-196 Year-2022 Thana- AAJAM NAGAR District- Katihar

Shiv Kumar @ Gorkha @ Shiv Kumar Mandal @ Shiva Son Of Ram Vilas Mandal R/O Vill.- Bari Bhesdira (BAHADUR Tola), P.S.- Barari, Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 72232 of 2022)

For the Petitioner/s : Mr.Bhola Prasad

For the Opposite Party/s : Mr.Manoj Kumar

(In CRIMINAL MISCELLANEOUS No. 72270 of 2022)

For the Petitioner/s : Mr.Pawan Kumar Singh

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-04-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for grant of bail in
connection with Azamnagar P.S. Case No. 196 of 2022
registered under sections 302, 120(B) and 34 of the Indian Penal



Code and Section 27 of the Arms Act.

The prosecution case as per F.I.R., is that the informant had gone to offer puja in Shiv Mandir, Gosaipara with her husband and while they were returning, on way, two miscreants intercepted them and fired from their pistol which hit on the abdomen of the husband of the informant, as a result of which, he sustained bullet injury on his abdomen. The miscreants also fired at the informant, but it did not hit the informant. The informant alleged that prior to the occurrence, the accused persons had also attacked the brother-in-law of the informant, but somehow he saved his life. The husband of the informant succumbed to injuries.

Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case. The petitioners are not named in F.I.R. rather their names came into light in this case during the course of investigation by the police. Further, the name of the petitioner, namely, Shiv Kumar came into light on the basis of disclosure made by petitioner, namely, Pradeep Yadav before the police. It is further submitted that neither any consistent evidence came against them nor any eye witness of the alleged occurrence. A statement has been made in para-3 of



these petitions that the petitioners have got no criminal antecedents. They are languishing in judicial custody for more than seven months. Similarly situated several co-accused persons have already been granted bail by this Court vide order dated 01.12.2022 in Cr. Misc. No. 58023 of 2022.

The application for bail is opposed by learned APP for the State and submitted that witness had seen the petitioners, namely, Rajesh and Pradeep while they were fleeing just after the occurrence.

Having heard learned counsel for the parties and considering the facts and circumstances of this case as well as the custody of the petitioners, the Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Azamnagar P.S. Case No. 196 of 2022 on each of them furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Katihar.

(Sunil Kumar Panwar, J)

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