

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2256 of 2023

Arising Out of PS. Case No.-554 Year-2020 Thana- BAHADURPUR District- Darbhanga

Manish Yadav S/o Kishundev Yadav R/o Village- Ghorghatta, P.S.-
Bahadurpur (Fekla O.P.), Distt- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s :	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Ranjit Kumar Yadav, Advocate
For the Opposite Party/s :	Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 04-05-2023 1. Heard learned senior counsel for the petitioner and the learned APP for the State.
2. Petitioner seeks regular bail in connection with Bahadurpur (Fekla O.P.) P.S. Case No. 554 of 2020 dated 07.12.2020 registered for the offences punishable under Sections 147, 148, 149, 341 and 302 of the Indian Penal Code and Section 27 of Arms Act.
3. The main submissions advanced by learned senior counsel for petitioner are that the FIR clearly goes to show that the informant is not the eyewitness of the alleged occurrence of murder as he revealed in the FIR that he arrived at the place of occurrence on hearing the sound of firing, though he claimed to have seen this petitioner and co-accused persons in fleeing position from the place of occurrence but any specific role of

the petitioner in the commission of the alleged occurrence was not revealed and moreover, as per the *post-mortem* report of the deceased only one wound of entry and one wound of exit were found, which shows that he sustained only one fire-arm injury and the same is not specifically attributed against the petitioner. Further submissions are that the petitioner has got no animosity with the deceased or his family and he has been implicated in this case at the instance of one Bhuneshwar Yadav, with whom the family of petitioner has an inimical terms and in between them two criminal cases are pending and infact, at the time of commission of alleged occurrence, the petitioner was in Chennai and he was dragged in this case merely on the basis of suspicion and against him the investigation has been completed and even the police did not find any evidence against the petitioner after examining the CCTV footage. Further submission is that one similarly situated co-accused Lalan Yadav has been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 32684 of 2022.

4. Learned APP for the State has opposed the bail prayer of the petitioner.

5. Considering the above submissions and mainly the facts that the informant merely claimed to have seen the petitioner

and co-accused persons in fleeing position from the alleged place of occurrence after the commission of the alleged murder but he did not reveal any specific role of the petitioner in the alleged crime and one similarly situated co-accused person has been admitted to bail and against the petitioner investigation has been completed and as per the *post-mortem* report of the deceased one entry and one exit wound on his body were found while as per the FIR, five persons including the petitioner were involved in the commission of alleged occurrence and also the fact that against the petitioner the investigation has been completed, 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 Bahadurpur (Fekla O.P.) P.S. Case No. 554 of 2020.

(Shailendra Singh, J)

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