

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13828 of 2024

Arising Out of PS. Case No.-127 Year-2016 Thana- DIGHWARA District- Saran

=====

Badal @ Akhilesh Srivastava Son of Rambabu Prasad @ Rambabu Lal
Srivastava R/o village Bhuwalpur, PS Dighwara, District Saran at Chhapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Adv.

For the Opposite Party/s : Mrs. Sharda Kumari, APP

=====

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 16-07-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Dighwara P.S. Case No. 127 of 2016 dated 26.07.2016 registered for the offences punishable u/s 394, 302, 326 and 307 of the Indian Penal Code read with Section 27 of the Arms Act.

3. As per the prosecution case, two miscreants covering their face are alleged to stop the informant and his father while they were coming home from their shop. It is further alleged that they snatched golden chain from the neck of the informant. On being objected by the informant, one of them fired, which hit the informant's father causing injury and he died

on the way to the hospital. It is further alleged that when unknown persons were fleeing away, one of the villager, namely, Harendra Pandit tried to stop them but in the meantime, they also fired on him and from where he was referred to the P.M.C.H.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR. The name of the petitioner has sprung up in the confessional statement of the co-accused Virendra Singh, which has no evidentiary value in the eye of law. There is general and omnibus allegation against the petitioner. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has four antecedents as stated in para 3 of the bail petition in which he is on bail. The petitioner is in custody since 02.08.2023 .

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court

concerned, Saran in connection with Dighwara P.S. Case No. 127 of 2016 with a condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

sadique/-

U		T	
---	--	---	--