

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13312 of 2024

Arising Out of PS. Case No.-191 Year-2022 Thana- GAMAHARIYA District- Madhepura

Sagar Kumar Son of Shiv Shankar Yadav @ Shiv Chandra Yadav Resident of
Village- Chikni Jogwanni, Ward No. 14, P.S.- Gamhariya, District-
Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 26-04-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in Gamhariya P.S. Case No. 191 of 2022, instituted for the offences punishable under Sections 302, 120(B), 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that, the petitioner along with other co-accused persons called the son of the informant and took him along with them and after hatching a conspiracy killed his son.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. General and omnibus



allegation has been made against the petitioner. Specific allegation is against co-accused Sagar Kumar who has called the deceased. The informant is not an eye witness to the alleged occurrence. The petitioner is in custody since 16.08.2023 and has got four criminal antecedents in which the petitioner is on bail in three cases. Learned counsel for the petitioner further submits that similarly situated co-accused have been granted bail by this Court vide order dated 12.03.2024 passed in Cr. Misc. No. 11868 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, taking into account the period of custody undergone by the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Gamhariya P.S. Case No. 191 of 2022.

(Rudra Prakash Mishra, J)

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