

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14625 of 2024

Arising Out of PS. Case No.-46 Year-2023 Thana- BASANHI District- Saharsa

Kula Nand Yadav Son of Late Bhikhan Yadav Resident of Village- Balaittha,
Ward No.-5, P.S.- Basnahi, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 24-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Basnahi P.S. Case no.46 of 2023 registered under sections 307, 120B and 34 of the Indian Penal Code and section 27 of the Arms Act to which section 302 of the Indian Penal Code was added subsequently.

3. As per the prosecution case, the informant states that two persons with their faces covered with towel fired upon him as a result of which he sustained gunshot injuries. He suspects that it is as a result of the land dispute that the eight named persons including the petitioner herein have conspired to commit the crime.

4. Learned counsel for the petitioner submits that the informant having died after four months, section 302 of the Indian Penal Code was added. The petitioner has been falsely implicated



in the case. The only material that has transpired against the petitioner in course of investigation is the confessional statement of co-accused Lotus Kumar made before police. Even in the said confessional statement, the petitioner is not said to be the assailant. In fact, it is stated that one Bittu Kumar fired upon the informant. The petitioner is in custody since 25.10.2023 and chargesheet has been submitted in the case.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the material that has transpired in course of investigation, the petitioner not having been described as the assailant even in the confessional statement of co-accused made before police together with the petitioner having remained in custody for 5 months since 25.10.2023 and chargesheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Basnahi P.S. Case no.46 of 2023 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 Judicial Magistrate 1st Class, Saharsa.

(Partha Sarthy, J)

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