

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20305 of 2024

Arising Out of PS. Case No.-342 Year-2023 Thana- PATAHI District- East Champaran

Munna Kumar Yadav S/o Duryodhan Rai @ Nanhak Rai R/o vill - Gonahi,
P.S - Patahi, Distt. - East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

Mr. Saurav Anand, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 02-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Patahi P.S. Case no.342 of 2023 registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that having heard the sound of firing, he found his brother to have sustained gunshot injury. His brother disclosed that one Shambhu Rai and his son Raviranjana Yadav besides others had shot him. The informant's brother died on way to the hospital.

4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR. Referring to the order of the



learned trial Court, it is submitted that the name of the petitioner transpired in course of investigation in the confessional statement of co-accused Rampravesh Rai and the prosecution is also relying on the petitioner's confessional statement. Even as per the contents of the confessional statement, the petitioner is alleged to have played the role of a liner and not of having fired on the deceased. The petitioner is in custody since 23.1.2024 and as per instructions received, charge-sheet has been submitted in the case.

5. The application for bail is opposed by learned A.P.P for the State.

6. Having heard learned counsel for the parties and having perused the allegations in the FIR, the contents of the order of the learned trial Court, the petitioner not having been named as an assailant in the FIR and even as per the contents of the confessional statement, contents of which find mention in the order of the learned trial Court, the petitioner is not alleged to have fired any shot on the deceased together with the petitioner having remained in custody since 23.1.2024 and not having any criminal antecedent, the petitioner is directed to be enlarged on bail in connection with Patahi P.S. Case no.342 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 Chief Judicial Magistrate, East Champaran at Motihari.

(Partha Sarthy, J)

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