

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32834 of 2024

Arising Out of PS. Case No.-528 Year-2022 Thana- PHULPARAS District- Madhubani

Sachin Kumar Yadav @ Ajit Yadav Son Of Bechan Yadav Resident Of Village
- Siswa Barhi, P.S. - Phulparas, District - Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Pankaj Kumar Jha, Adv
For the Opposite Party/s :	Mr. Rajendra Nath Jha, APP
For the Informant	Mr. Lakhmindra Kumar Yadav, Adv

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 02-08-2024 Heard the parties.

2. Petitioner seeks regular bail in connection with Phulparas P.S. Case No. 528 of 2022 dated 05.11.2022 registered for the offences punishable under Sections 302/34, 120B of the Indian Penal Code and Sections 25 (1B)a, 26, 27 and 35 of the Arms Act.

3. Mr. Pankaj Kumar Jha, learned counsel for the petitioner submits that the petitioner is not named in the FIR, his case stands on better footing from the co-accused Kamal Prasad Yadav, who has been granted bail by this Court. The FIR is based on the fardbeyan of the informant, Hadisha Khatoon, who claimed herself to be an eye witness of the alleged occurrence



and she made specific allegation against the named accused persons, Kapildev Yadav, Rambhu Yadav, Raushan Yadav and Amlesh Yadav, as per her allegation among the said co-accused persons Rambhu Yadav, Raushan Yadav and Amlesh Yadav were the assailants but she did not reveal the name of this petitioner as being present during any part of the occurrence and during the investigation, the informant revealed the name of the petitioner in her re-statement. It is further submitted that petitioner has been languishing in jail since 20.11.2022.

4. Mr. Rajendra Nath Jha, learned APP submits that though the petitioner is not named in the FIR but during the course of investigation, co-accused Rambhu Yadav revealed the role of the petitioner in the commission of the alleged occurrence and the petitioner himself has accepted his involvement by recording his statement before the police and upon the disclosure made by this petitioner and co-accused Rambhu Yadav, firearms were recovered for which another P.S Case was lodged.

5. Having regard to the above submissions and mainly considering the facts that the petitioner has not been named in the FIR and the informant did not disclose the name of the petitioner despite being an eye witness and living in the same



vicinity as that of the petitioner and in respect of the petitioner’s involvement in the alleged crime, the prosecution is mainly relying upon the statement of the petitioner and co-accused Rambhu Yadav given before the police, except this, prosecution has not pointed out any incriminating evidence against this petitioner, in my opinion, the petitioner deserves to be released on bail. Accordingly, let the petitioner named-above be released on bail in connection with Pulparas P.S. Case No. 528 of 2022 on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

N.K/-

(Shailendra Singh, J)

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