

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39437 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- JAGDISHPUR District- Bhojpur

Shekhar Kumar S/o Dashai Yadav R/o Village- Garha, P.S.- Udwantnagar,
District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, APP

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

ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Jagdishpur P.S. Case No. 10 of 2024 instituted for the offence under Sections 302, 34 & 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

3. Prosecution case as emanated from the FIR is that accused persons have killed the son of the informant.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 13-01-2024. Petitioner is a man of clean antecedent.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present



case. Petitioner is not named in the FIR. Name of the petitioner has transpired only on the basis of suspicion because he is brother of co-accused, namely, Gadasi @ Dinesh Yadav, who has been named in the FIR. Nothing incriminating has been recovered from the conscious possession of the petitioner. There is no specific allegation levelled against the petitioner, rather allegation is general and omnibus. It is submitted that there is no independent witness of the occurrence. So far as self-confessional statement of the petitioner, which is mentioned in paragraph No. 36 of the case diary, is concerned, it is submitted that the same is false and has been taken under duress.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Referring to paragraph No. 36 of the case diary, it is fervently submitted that the petitioner has himself confessed the guilt.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, clean antecedent of the petitioner and there being no direct involvement of the petitioner in the alleged occurrence, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with



two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Jagdishpur P.S. Case No. 10 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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