

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44569 of 2024

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

Mithilesh Yadav @ Mithilesh Kumar Yadav Son Of Sahdeo Yadav Village-
Ranti Mohanpur, P.S- Rajnagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate Mr. Ravi Prakash, Advocate
For the Opposite Party/s	:	Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 20-07-2024 1. Heard learned counsel for the petitioner and the learned APP for the State.
2. Petitioner seeks regular bail in connection with Phulparas P.S. Case No. 528 of 2022, dated 05.11.2022, registered for the offence(s) punishable under Section(s) 302 read with Section 34 and 120B of the Indian Penal Code and Section 27 of Arms Act.
3. Mr. Gagandeo Yadav, learned counsel for the petitioner submits that the petitioner is not named in the FIR, the informant is said to have witnessed the commission of the alleged occurrence of murder of her husband but she did not reveal the name of this petitioner as being involved in the occurrence and two co-accused persons namely, Kapildev Yadav



@ Kapildev Das @ Baba and Kamal Yadav @ Kamal Prasad Yadav who are named in the FIR and carrying specific allegation have been granted bail by a co-ordinate bench of this court as well as by this bench vide orders dated 16.05.2023 and 22.05.2023 respectively and the case of this petitioner stands on better footing from the above mentioned co-accused persons who are on bail. It is further submitted that the name of this petitioner in the alleged crime, surfaced in the statement of co-accused Sachin Kumar Yadav @ Ajit Kumar Yadav and Rambhu Yadav given before the police, except this there is no material against this petitioner who has been languishing in jail since 28.02.2023.

4. Mr. Ahmad Ali, learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Having regard to the above submissions and mainly considering the facts that the petitioner is not named in the FIR and two co-accused persons who are named in the FIR are on bail and the informant who claimed to have witnessed the entire occurrence has not revealed the name of this petitioner as being involved in the alleged crime of murder and the petitioner has taken the plea that his name surfaced in the statement of co-accused persons mentioned above, given before the police and



the said plea has not been refuted by the learned APP, in my opinion, in the said circumstance, the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named-above be enlarged on bail in connection with Phulparas 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.

(Shailendra Singh, J)

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