

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78437 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- LAUKAHA District- Madhubani

Devendra Yadav Son Of Bhoj Prasad Yadav Resident Of Village Betenbari Ps
Laukahan District Madhubani

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Madhav Raj, Advocate
For the Opposite Party	:	Mr.Dinesh Singh, Addl Public Prosecutor
		Mr. Jitendra Kr.Giri, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 4 08-05-2024 Heard learned counsel for the petitioner and the State.
2. The petitioner apprehends arrest in a case registered for the offence punishable under sections 302, 120B/34 of the Indian Penal Code and section 27 of the Arms Act.
3. As per the prosecution case, all the FIR named accused persons including this petitioner and 3 to 4 unknown persons came to the house of the informant and started searching him and in his absence, the accused persons caught his father and shot him on the chest as a result of which he died on the spot.
4. Learned counsel appearing for the petitioner submits that the informant is not eye witness of the occurrence. Besides, in the FIR, the informant has clearly stated that petitioner and other accused persons went to the house of the informant. Thereafter, one unknown person caught hold of his father and shot him on the chest. Thus, it is not disclosed in the FIR that who caused death of the father of the informant. Moreover, because of old business dispute between the parties, petitioner has falsely been implicated in this case due to



suspicion. Learned counsel submits that save and except suspicion, there is no other direct or indirect evidence against the petitioner to show his complicity in the occurrence.

5. Learned counsel for the State as well as the informant oppose the prayer for bail. They submit that the petitioner is named in the FIR with specific allegation that he and other accused persons went to the house of the informant and searched him and when he was not located there, the accused persons shot dead his father.

6. Considering the fact that no overt act has been alleged against the petitioner in the FIR, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Jhanjharpur, Madhubani in Laukaha Police Station Case No. 38 of 2023, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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