

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75180 of 2023

Arising Out of PS. Case No.-96 Year-2022 Thana- SINGHESHWAR District- Madhepura

Shambhu Yadav Male, aged about 43 years, Son of Raghuvir Yadav @ Bihari Yadav Resident of Village - Kabiya Ward No- 14 Ramnagar, Madhepura, P.S. Shankarpur, District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Veena Kumari Jaiswal, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

4 26-02-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Singheshwar PS Case No. 96 of 2022 instituted for the offences punishable under Sections 307/34 of the Indian Penal Code later on Section 302/120(B) of the IPC was also added and Section 27 of the Arms Act.

3. According to the FIR, prosecution case relates to commission of murder of the informant's son namely Promod Yadav by shot fire.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case merely on the basis of mere



suspicion. The present petitioner is own brother of the deceased and has been falsely implicated by the co-accused due to dirty village politics. The police after investigation submitted chargesheet under Sections 302 and 120(B) of the IPC against all accused persons including the petitioner. He further submits that there is no eye witness to the occurrence and no material evidence has been brought on the record for his involvement in the present case except confessional statement.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and impugned order of the learned Additional District and Sessions Judge-1st-cum-Special Judge, Madhepura dated 17.08.2023, it appears that petitioner is not named in the FIR and his name transpired in this case during the confessional statement of Co-accused Sanjeet Das @ Sanjit Kumar Das. Similarly situated co-accused persons namely, Sanjeet Das @ Sanjit Kumar Das has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 38121 of 2023 vide order dated 01.08.2023. Petitioner is in custody since 27.03.2023, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named 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 the learned



Chief Judicial Magistrate, Madhepura in connection with
Singheshwar PS Case No. 96 of 2022.

(Ramesh Chand Malviya, J)

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