

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79062 of 2023

Arising Out of PS. Case No.-197 Year-2023 Thana- RAGHOPUR District- Supaul

1. Vikash Kumar @ Bikki Yadav @ Vikki Yadav Son Of Bikram Kumar R/O Village- Chandipar, P.S.- Bhaptiyahi, District- Supaul
2. Jitendra Kumar Son Of Shatrughan Yadav @ Satrughna Yadav R/O Village- Baijnahpur Ward No.03, P.S.- Kishanpur, District- Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-01-2024 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners have filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 307, 302, 394/34 of the Indian Penal Code and Section 27 of Arms Act.

Prosecution case in nutshell is that while the informant along with one Delip Kumar Yadav was going on motorcycle, three miscreants on a motorcycle stopped their motorcycle and fired upon the informant and Dilip Kumar Yadav, due to which informant sustained fire arm injury and Dilip Kumar yadav succumbed to injuries. It is further



alleged that miscreants also took gold chain and gold ring from the possession of informant.

It is submitted by learned counsel for the petitioners that the petitioners are innocent and they have committed no offence. They have falsely been implicated in the present case. Neither the petitioners are named in the F.I.R. nor anything incriminating has been recovered from their conscious possession rather one country made pistol and one empty cartridge have been recovered from the house of co-accused Rupesh Kumar. From perusal of para 47 and 52 of the case diary, it appears that in the confessional statement of co-accused Amit Kumar and Rupesh Kumar there is no specific allegation against the petitioner to open fire upon the informant and others. Only allegation against the petitioners is that they were liners and facilitating in the alleged offence. There is no eye witness of the alleged offence. It is also submitted that petitioners are languishing in judicial custody since 25.05.2023.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.



Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Raghapur P.S. Case No. 197 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Birpur, Supaul.

(Sunil Kumar Panwar, J)

Nirajkrs/-

U		T	
---	--	---	--

