

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83089 of 2024

Arising Out of PS. Case No.-95 Year-2024 Thana- PURAINI District- Madhepura

Shyam Sundar Yadav S/o Late Mangen Yadav Resident of village- Sautari
Dhuriya, PS - Chausa, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Barun Kumar Singh,Advocate
For the Opposite Party/s : Mr.Ram Sumiran Rai,APP
For the Informant : Mr. Pawan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 02-12-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Puraini P.S. Case no. 95 of 2024 registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that she received information from her husband to the effect that the 7 named accused persons came variously armed. It is further stated that the shot fired by the Prince Kumar @ Malick Kumar missed her husband while the shot fired by Dhananjay Yadav hit him in his stomach. The husband of the informant was taken to the hospital from where he was referred to Bhagalpur but he died on way. Further allegations have been levelled against 5



named accused persons including the petitioner herein. With respect to the petitioner it is stated that he is an accused in a murder case from before and used to pass on information to the other accused persons with respect to the movement of the informant's husband.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. From the contents of the F.I.R itself it would be evident that no overt act is alleged against the petitioner and the petitioner has been falsely implicated because of enmity between the parties. The petitioner is in custody since 27.5.2024 and charge-sheet has been submitted in the case.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that besides the petitioner being named in the F.I.R, there is specific allegation against him that for months together he had been following the informant's husband, watching his movement and reporting the same to the other co-accused by his mobile phone, number of which is given in the F.I.R. The petitioner is accused in several cases from before and as such the application be rejected.

6. Having heard learned counsel for the parties and



taking into consideration the allegations against the petitioner in the F.I.R, the material that has transpired against him as is evident from the order of the learned trial Court, the allegations of overt act being solely on Prince Kumar @ Malick Kumar and Dhananjay Yadav together with the petitioner having remained in custody since 27.5.2024 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Puraini P.S. Case no. 95 of 2024, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Udakishunganj, District- Madhepura.

(Partha Sarthy, J)

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