

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71227 of 2024

Arising Out of PS. Case No.-53 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Indal Yadav S/o Ganeshi Yadav R/o Village- Ghoghasam, Ward No.01, P.S.-
Bakhtiyarpur (Kanaria O.P.), District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
		Mr. Pawan Kumar, Advocate
For the Opposite Party/s	:	Mrs. Renu Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 01-08-2025 Heard Mr. Ajay Kumar Thakur, learned counsel
for the petitioner, Mrs. Renu Kumari, learned APP for the State
and perused the case diary.

2. The petitioner seeks bail in connection with Saharsa Sadar P.S. Case No. 53 of 2023, instituted for the offences punishable under Sections 307, 326, 120(B) of the Indian Penal Code, Sections 25(1-B)(a), 26, 27 and 35 of the Arms Act and later on added Section 302 of the Indian Penal Code.

3. The prosecution case, in short, is that two unknown miscreants are alleged to have shot fire upon the son of the informant namely, Sanoj Yadav due to which he sustained injury and died during course of treatment.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner is not named in the FIR. Name of the petitioner has transpired in this case on the basis of confessional statement made by co-accused, namely, Raghu Kumar and the same has got no evidentiary value. The petitioner has been falsely implicated in this case due to dirty village politics and in course of investigation no any cogent material has surfaced against the petitioner except confessional statement of the co-accused person. It is further submitted that specific allegation is against co-accused Raghu Kumar. The petitioner is in custody since 17.02.2023 and has got six criminal antecedents. Learned counsel for the petitioner further submits that other co-accused has been granted bail by this Court vide order dated 19.11.2024 passed in Cr. Misc. No. 80448 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody



undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Saharsa Sadar P.S. Case No. 53 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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