

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89341 of 2024

Arising Out of PS. Case No.-139 Year-2023 Thana- CHAUSA District- Madhepura

Shabnam Yadav @ Sabnam Yadav @ Shaban Pahalwan S/o Late Lakhan Lal
Yadav R/o Village- Barikhal Phulaut Purvi, ward No.11, P.S.- Chausa Phulaut
O.P., District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Pathak, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 07-05-2025 Heard the learned counsel for the petitioner, and the
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Chausa (Fulout O.P.), P.S. Case No. 139 of 2023, registered for
the offences punishable under Sections 302/34 of the Indian
Penal Code and Section 27 of the Arms Act, 1959.

3. The prosecution case is to the fact that the
informant and his brother had gone to shop of one Krishna
Mandal to have snacks, where the accused persons are said to
have assembled, variously armed and forced him to call his
father whereafter abusing his father, Jay Jay Yadav opened fire
which hit his father who subsequently, succumbed to the injury.

4. The learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case. He further submits that there was a delay of almost two days in lodging of the FIR and only after the post-mortem was done, the other accused persons including the petitioner, who was earlier not named in the FIR, his name transpired through the confessional statement of co-accused, namely, Jay Jay Yadav. The learned counsel fairly submits that the said Jay Jay Yadav has stated that the petitioner had provided him the arm which was used in the said incident. The learned counsel further submits that there is no specific allegation of overt act against the petitioner and he is in custody since 05.03.2024. He further submits that one co-accused, namely, Veer Yadav has already been granted bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 18.09.2024, passed in Criminal Misc. No. 46159 of 2024.

5. Learned Additional Public Prosecutor for the State has opposed the prayer for bail.

6. Considering the aforesaid submissions made by the respective parties and taking into account the custody of the petitioner and also the fact that similarly situated co-accused person has already been granted bail by a Co-ordinate Bench of this Hon'ble Court, I am inclined to grant the petitioner



privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned Sub Divisional Judicial Magistrate, Madhepura, in connection with Chausa (Fulout O.P.) P.S. Case No.139 of 2023.

(Sourendra Pandey, J)

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