

IN THE COURT OF ADDITIONAL DISTRICT AND SESSIONS JUDGE- III NAUGACHIA
Bail Application No. 59/2024

Arising out of Bihpur(Bhawanipur) P.S. Case No. 766/2023

1. Prince Kumar Yadav aged about 20 years S/o Banarsi Yadav

R/o – Vill. – Narayanpur, P.S. – Bihpur(Bhawanipur), Dist. - Bhagalpur----- Petitioner

Vrs.

State of Bihar ----- Opposite Party

ORDER

20-02-2024

The petitioner Prince Kumar Yadav who is in judicial custody since 16-12-2023, following his arrest in Bihpur(Bhawanipur) P.S. Case no. 766/23 lodged against him and others under sections 307, 327, 436 read with section 34 Indian Penal Code, 1860 (I.P.C. for brevity hereinafter) and 27 Arms Act. He is praying for his release by filing a petition under section 439 Cr.P.C. the copy of which has already been served upon the Ld. Addl. P.P. Both the Ld. counsels are present.

2. Heard Sri Shambhu Nath Singh, Ld. Counsel for the petitioner who submits that petitioner is innocent and has committed no offence but has been falsely implicated in this false and concocted case. It is also submitted that there is false allegation in this case against the petitioners by informant party. It is further submitted that no case is pending against the petitioner. It is contended that there is no eye witness in this case. It is also contended that all alleged sections are bailable except section 307, 436 I.P.C. and 27 Arms Act. It is further submitted that petitioner is in judicial custody since 16-12-2023. Finally Ld. Counsel prayed to enlarge the petitioner on bail.

3. The Ld. A.P.P. opposed the prayer of bail and submitted that there is no allegation of causing any injury against the petitioner.

4. Heard both sides. Perused the case record. As per factual matrix of the case the allegation against the accused persons of this case including petitioner is that they had set Basa of informant on fire on 13-12-2023 and on 14.12-2023 they went to capture the land of informant. On information given to police, police came on spot upon which accused persons fled from spot. The accused persons also fired at the Basa of informant to capture his agricultural land on which he is farming for last fifty years.

5. Based upon the written report of informant Bihpur(Bhawanipur) P.S. Case No. 766/2023 was registered under aforementioned sections and investigated.

6. Heard both sides. As directed case diary of this case has been produced. Perused the case diary, it transpires that no one was injured in the alleged incident as such there is no ingredient of section 307 I.P.C. Prosecution has not produced any previous conviction of petitioner before the court. Pursuant to arrest the petitioner is in judicial custody since 16-12-2023.

7. Considering the aforementioned facts and period of pretrial judicial custody petitioner is directed to be enlarged on bail on furnishing two local sureties of rupees ten thousand each subject to condition that both bailor shall be close relation bailor of petitioner to the satisfaction of the ld. A.C.J.M. 1st, Naugachia.

Addl. District & Sessions Judge -III
Naugachia 20-02-2024