

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3815 of 2021

Arising Out of PS. Case No.-168 Year-2020 Thana- MADHUBAN District- East Champaran

Chhotu Kumar Yadav, male, aged about 30 years, Son of Shambhu Ray,
Resident of Village - Banjaria, P.S. - Madhuban, Distt. - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Asif Kalim, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 23-09-2021 Heard Mr. Asif Kalim, the learned Advocate for the

petitioner and Mr. Ram Priya Sharan Singh, the learned APP

for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Madhuban P.S. Case No. 168 of
2020, dated 04.06.2020, instituted for the offences under
Sections 302, 120(B) and 34 of the Indian Penal Code.

The son of the informant was killed and his dead-



body was found hanging from a tree in the field. The informant has suspected the hands of the petitioner and others with whom she had litigation from before.

It has been submitted on behalf of the petitioner that an absolutely false case has been lodged against him and that also only on the basis of suspicion.

The informant has put her thumb impression on the written report and, therefore, the learned Advocate for the petitioner infers that she has been made to file a case like this, with only suspicion as the ground for implicating the petitioner and others in this case.

It has further been submitted that the family of the informant had encroached upon a public road and that was continuously being objected by the petitioner and others. This perhaps is the reason for falsely implicating the petitioner. There is no eye-witness to the occurrence and except for suspicion, it has been argued, there is no material against the petitioner to connect with with the offence.

In the entire investigation papers, two of the witnesses, namely, Ram Pravesh Rai and Birendra Sahani



have only stated that they had seen the petitioner and others going towards the direction where the dead-body was found hanging from a tree. The aforesaid two witnesses have also stated that when the petitioner and others were confronted, they disclosed that they were going to have their fields ploughed by tractor. There was no sign of nervousness on the petitioner.

Similarly situated accused persons of this case, it has been submitted, have been granted anticipatory bail by this Court *vide* orders dated 10.08.2021 and 27.08.2021 passed in Cr. Misc. Nos. 39203 of 2020 and 8736 of 2021 respectively.

Considering the afore-noted arguments on behalf of the petitioner and taking into account his clean antecedents as also the nature of accusation against him being purely on the basis of suspicion, he (petitioner/Chhotu Kumar Yadav), in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-IV, Motihari, East Champaran in connection with Madhuban P.S. Case No. 168 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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