

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12709 of 2022**

Arising Out of PS. Case No.-27 Year-2021 Thana- BARHARA KOTHI District- Purnia

BHUSHAN YADAV S/o- Late Baleshwar Yadav @ Late Balo Yadav R/o Village - Siswa (shishwa), P.S. Barhara (Raghubansh Nagar O.P.), District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 1845 of 2022**

Arising Out of PS. Case No.-27 Year-2021 Thana- BARHARA KOTHI District- Purnia

Akhilesh Kumar @ Akhilesh Yadav S/O Late Shiv Kumar Yadav R/O Village- Moujampatti, P.S.- Barhara (Raghubansh Nagar O.P.), Distt.- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 12709 of 2022)

For the Petitioner/s : Mr. N. K. Agarwal, Senior Advocate  
Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 1845 of 2022)

For the Petitioner/s : Mr. N. K. Agarwal, Senior Advocate  
Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      02-08-2022

**IN CR. MISC. NO.12709 OF 2022**

Heard learned counsel appearing on behalf of the  
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period  
of four weeks from today.



The petitioner seeks bail in connection with Barhara (Raghubansh Nagar O.P.), P.S. Case No. 27 of 2021 registered for the offence under Sections 302, 436, 379, 506 and 427/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 13.07.2021.

The allegation against the petitioner is to commit murder of one of the staff of the informant and also cause mischief by firing with intent to destroy office, where several documents related with official purpose burnt out and also taken away cash of Rs. 2,00,000/- (Rupees Two Lac) along with valuables cost of Rs. 1,00,000/- (Rupees One Lac).

Learned senior counsel appearing on behalf of the petitioner submitted that informant is not the eye-witness of the occurrence and moreover, the allegation is very much general and omnibus against the petitioner. It is also submitted that alleged audio clips, as regard to occurrence, was not brought on record, as claimed through First Information Report. It is also submitted that nothing surfaced during course of investigation, which may connect the petitioner, in any manner with present occurrence and implication is purely on the basis of suspicion in the background of previous long standing enmities. While



concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that informant is not the eye-witness of the occurrence.

Considering the facts and circumstances as mentioned above, informant is not the eye witness of occurrence, where, allegation is based upon suspicion and nothing surfaced during course of investigation to connect the petitioner, *prima-facie*, with occurrence coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Barhara (Raghubansh Nagar O.P.), P.S. Case No. 27 of 2021 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 C.J.M., Purnia, subject to the following conditions:

*“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.*

*(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each*



*and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.*

*(iii) That one of the bailors shall be Kumkum Devi, who is the wife of the petitioner and deponent of the present bail petition."*

**IN CR. MISC. NO.1845 OF 2022**

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Barhara (Raghubansh Nagar O.P.), P.S. Case No. 27 of 2021 registered for the offence under Sections 302, 436, 379, 506 and 427/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 18.08.2021.

The allegation against the petitioner is to commit murder of one of the staff of the informant and also cause mischief by firing with intent to destroy office, where several documents related with official purpose burnt out and also taken away cash of Rs. 2,00,000/- (Rupees Two Lac) along with valuables cost of Rs. 1,00,000/- (Rupees One Lac).



Learned senior counsel appearing on behalf of the petitioner submitted that informant is not the eye-witness of the occurrence and moreover, the allegation is very much general and omnibus against the petitioner. It is also submitted that alleged audio clips, as regard to occurrence, was not brought on record, as claimed through First Information Report. It is also submitted that nothing surfaced during course of investigation, which may connect the petitioner, in any manner with present occurrence and implication is purely on the basis of suspicion in the background of previous long standing enmities. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that informant is not the eye-witness of the occurrence.

Considering the facts and circumstances as mentioned above, informant is not the eye-witness of occurrence, where, allegation is based upon suspicion and nothing surfaced during course of investigation to connect the petitioner, *prima-facie*, with occurrence coupled with the fact that charge-sheet has



already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Barhara (Raghubansh Nagar O.P.), P.S. Case No. 27 of 2021 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 C.J.M., Purnia, subject to the following conditions:

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*(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.*

*(iii) That one of the bailors shall be Sudhanshu Kumar, who is the nephew of the petitioner and deponent of the present bail petition.”*

**(Chandra Shekhar Jha, J)**

S.Katyayan/  
Pooja/-

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