

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3552 of 2022

Arising Out of PS. Case No.-360 Year-2021 Thana- MADHEPURA District- Madhepura

Tribhuvan Yadav @ Avinash Yadav Son of Anant Yadav Resident of Village-
Bhatrandha, P.S.- Madhepura, (Parmanandpur O.P.), District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Senior Advocate Mr. Shailendra Kumar Singh, Advocate
For the Opposite Party/s	:	Ms. Suman Kumari Singh, APP
For the informant	:	Dr. Sanjay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-09-2022 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
Madhepura (Parmanandpur O.P.) P.S. Case No. 360 of 2021
registered for the offence under Sections 302/34 of the Indian
Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 16.07.2021.

The allegation against the petitioner is to commit
murder of son of the informant along with other co-accused 3552
persons.



Learned Senior counsel appearing on behalf of the petitioner submitted that the F.I.R. suggests occurrence as an accident. It is further submitted that informant is not the eye witness of the occurrence and entire allegation is based upon suspicion as deceased, who was known, prior to this occurrence, called to join a party at home of petitioner. It is also submitted the post-mortem report also appears to support accident. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent, where 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, duly assisted by learned counsel appearing on behalf of informant, namely, Dr. Sanjay Kumar Singh, while opposing the prayer of bail, fairly conceded the fact that informant is not the eye witness of the occurrence.

In view of the facts and circumstances as mentioned above, as informant is not the eye-witness of the occurrence where the allegation is based upon suspicion, as deceased was called to join party by petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Madhepura (Parmanandpur O.P.) P.S. Case No. 360 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 learned Chief Judicial Magistrate, Madhepura/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Pooja/
Archana/-

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