

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3026 of 2022

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

Ram Pravesh Yadav @ Rampravesh Kumar S/o- Amrendra Yadav Resident of
Village- Bishanpur, Ward No.-9, P.S.- Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bal Krishna Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 23-11-2022 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 and 34 of the
Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.08.2021.

The allegation against the petitioner is to commit
murder of son of the informant along with other co-accused
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 to petitioner prior to this occurrence, called to join a home party. It is also submitted the post-mortem report also support the theory of accident. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, 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 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 founded over prior acquaintances and as deceased was called to join home party 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 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)

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