

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4195 of 2022

Arising Out of PS. Case No.-448 Year-2021 Thana- MAJHAULIA District- West Champaran

Shiv Yadav, S/o Late Kuber Yadav, R/o village- Gudara Bintoli Ward No. 01,
P.S.- Majhaulia, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bashishtha Narayan Mishra, Advocate Mr. Brij Kishor Mishra, Advocate Mr. Sachida Nand Rai, Advocate
For the State	:	Mr. Anil Kumar, APP
For the Informant	:	Mr. Siddharth Prasad, Advocate Mr. Om Prakash Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 14-12-2022 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the Informant.

In the present case, the petitioner seeks bail in connection with Majhaulia P.S. Case No. 448 of 2021, registered for the alleged offences under Sections 302, 120 (B)/34 of the Indian Penal Code.

As per prosecution case, the petitioner and other co-accused persons, in the dead of the night, stabbed the mother of the informant to death. The informant alleged that he saw the petitioner and other co-accused persons fleeing away from the spot while concealing their faces.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. Neither the informant nor his grandfather has seen the occurrence. From the FIR, it is clear that the informant has named the petitioner on suspicion that the petitioner and other co-accused persons concealing their faces came to their house and despite commotion they did not come out from their house. Altogether six persons have been made accused in this case and only one injury of knife blow was found on the person of the deceased. There is no allegation of any specific overt act against the petitioner. The charge sheet has been submitted. The petitioner is in custody since 18.08.2021. The other co-accused persons have been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 30.11.2022 passed in Cr. Misc. No.23056 of 2022 and its analogous case.

Learned APP as well as learned counsel appearing on behalf of the informant oppose the prayer for bail. The learned counsel for the informant submits that the informant has seen the petitioner and other co-accused persons fleeing away from the spot and earlier they threatened the mother of the informant calling her witch.

Perused the record.

Having regard to the facts and circumstances and submissions made here-in-above and considering the non-



specific nature of allegation against the petitioner coupled with improbability over identification as it appears from the record and further considering the period of custody of the petitioner along with submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Majhauria P.S. Case No. 448 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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