

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21340 of 2022

Arising Out of PS. Case No.-97 Year-2021 Thana- BISHWAMBHARPUR District-
Gopalganj

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UMESH YADAV Son of Rudal Yadav Resident of Village- Sipaya
Khash,P.S.- Bishambharpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harendra Prasad, Advocate
For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

7 29-08-2022 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

Bishambharpur P.S. Case No. 97 of 2021 registered for the

offence under Sections 364/34 of the I.P.C.

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

custody since 16.08.2021.

The allegation against the petitioner is to commit

murder of younger brother of the informant along with other co-

accused persons.

Learned counsel appearing on behalf of the petitioner



submitted that the informant is not the eye witness of even kidnapping, where allegation of murder is purely based upon suspicion. It is further submitted similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench by this Court through Cr. Misc No. 63204 of 2021 vide order dated 18.11.2021. It is further submitted that allegation against the petitioner is general and omnibus and, moreover, nothing surfaced during the course of investigation which may connect the petitioner, *prima facie*, with present set of occurrence. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

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

Considering the facts and circumstances as mentioned above, as informant is not eye witness of the occurrence, where allegation is based upon the suspicion coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bishambharpur P.S. Case No. 97 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 Additional
Chief Judicial Magistrate-X, Gopalganj/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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