

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12966 of 2022

Arising Out of PS. Case No.-209 Year-2021 Thana- SAHPUR District- Bhojpur

Mudrika Yadav s/o- late surya nath yadav resident of vill. and p.o. and thana - shahpur, district - bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhisek, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-07-2022 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 Shahpur P.S. Case No. 209 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 27.07.2021.

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

Learned counsel appearing on behalf of the petitioner submitted that admittedly, as per FIR, the present occurrence is



founded over land dispute. It has further been submitted that informant is not the eye-witness of the occurrence and the basis of entire allegation is suspicion for the reason that one altercation took place soon before the present occurrence between the parties. It has further been submitted that allegation as regard to assault against the petitioner is very much general and omnibus in nature and nothing surfaced during course of investigation to connect the petitioner with the alleged occurrence of murder, except suspicion. It has further been submitted that similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 5234 of 2022 dated 24.05.2022. It has further been submitted that the deceased, itself was a man of criminal antecedent and named in 02 cases. It has also been submitted that the petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that nature of allegation as regard to the assault is very much general and omnibus, as per FIR, where the



informant is not the eye-witness of the occurrence.

Considering the facts and circumstances as mentioned above, as informant is not the eye-witness of the occurrence and nature of allegation as regard to the assault is very much general and omnibus 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 Shahpur P.S. Case No. 209 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 A.C.J.M 1st, Bhojpur, Ara (Bihar)/concerned court, subject to the following conditions:

“(i)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.

(ii) That one of the bailors shall be Rakesh Kumar, who is the son of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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