

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 28375 of 2022

Arising Out of PS. Case No.-196 Year-2016 Thana- CHAKAI District- Jamui

Nepal Yadav Son Of Late Gayani Yadav Resident Of Village- Rangmariya,
P.S.- Chakai, District- Jamui

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Kumar Jha, Sr. Adv.
	:	Mr. Shankar Kumar Choudhary, Adv.
For the Opposite Party/s	:	Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 15-11-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Chakai P.S. Case No. 196 of 2016 lodged under Sections 302 & 34 of the I.P.C.

As per the F.I.R., the informant has narrated that on 19.12.2016, he along with his brother were returning to their house at about 4 pm. It has been stated that at about 4.45 pm at the time of crossing the river, his brother stopped his motorcycle for natural call. Informant has further stated that he saw some 5-6 persons caught his brother and beaten him with sharp weapons. Informant categorically stated that he saw the entire incident from bush and identified the present petitioner including others. Learned counsel submits that informant intimated about this event to his family members and villagers.

It has been stated that there was a dispute going on between the petitioner and the brother of the informant (deceased) relating to *thekedari* and hot discussion took place between them due to which the present occurrence took place between them due to which the present occurrence has been caused by the petitioner and others.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that the content of the F.I.R. and the inquest report attached with the petition itself indicates that the entire event appears to be highly improbable due to the reason that petitioner himself is the eye witness of the occurrence and according to him the occurrence took place at 4.45 pm on 19.12.2016 but F.I.R. was lodged on 20.12.2016 instead of the fact that at the time of the said occurrence, there was one motorcycle with the informant and the police station is just 28 kms away from the place of occurrence. Learned counsel submits that petitioner is in custody since 08.01.2022 having clean antecedent.

Learned counsel for the State opposes the prayer for bail but fairly submits that the informant is alleged to be the only eye witness of the said occurrence.

Learned counsel for the informant vehemently

opposes the prayer for bail and submits that informant is the eye witness of this case. He also submits that during inquest, the motorcycle and used articles of the crime has been found there. He also submits that the petitioner after seeing the crime, returned to his village and intimated in this regard to the family members as well as to the villagers.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned of the Court of the A.C.J.M. - Vth, Jamui in connection with Chakai P.S. Case No. 196 of 2016, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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