

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29857 of 2022**

Arising Out of PS. Case No.-175 Year-2021 Thana- DARBHANGA SADAR District-
Darbhanga

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SUNDAR YADAV SON OF LATE VINAY YADAV @ LATYE VINAY
YADAV R/O MOHALLA/VILLAGE- SANTPUR TARALAH, P.S.-
BISHANPUR, DISTRICT- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kedar Jha

For the Opposite Party/s : Mr. APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 12-12-2022 Heard learned senior counsel appearing on behalf of
the petitioner and learned APP 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 Sadar P.S.
Case No. 175 of 2021 registered for the offence under Sections
302, 34, 396 and 412 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 19.06.2021.

The allegation against the petitioner is to commit
murder of cousin of the informant, alongwith other co-accused
persons, where after investigation, chargesheet has been
submitted u/s 396 of the Indian Penal Code, where case initially



registered under Sections 302 and 34 of the Indian Penal Code.

Learned senior counsel appearing on behalf of the petitioner submitted that petitioner is not named in the F.I.R. and nothing incriminating, except self confession, surfaced during the course of investigation, which may connect the petitioner, *prima facie*, with the present set of occurrence. It is submitted that petitioner is involved in five more criminal cases, where in most of the cases, name of the petitioner surfaced on the basis of suspicion, as of the present case. It is submitted that petitioner has been remanded in the present case from Simri P.S. Case No. 121 of 2021. Learned counsel pointed out paragraph nos. 56 and 57 of the case diary, where nothing alleged against this petitioner, but the matter taken complete u-turn, as far, allegation is concerned after getting remanded in the present case, which only suggests an afterthought. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the petitioner, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the F.I.R.

In view of the facts and circumstances, as mentioned



above, as informant is not the eye witness of the occurrence, where save and except suspicion, nothing incriminating surfaced/recovered to connect this petitioner, *prima facie*, with the present set of occurrence coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sadar P.S. Case No. 175 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, Darbhanga/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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