

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43880 of 2021**

Arising Out of PS. Case No.-317 Year-2020 Thana- DARAUNDA District- Siwan

VIKASH YADAV SON OF BHAWNATH YADAV Resident of Village -
Lopar Purab Tola, P.S.- Daraunda, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Mr. Amit Kashyap
For the Opposite Party/s	:	Mr. Jai Narain Thakur
For the informant	:	Mr. Anil Chandra

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

4 25-04-2022 Heard learned Counsel for the petitioner, learned
Counsel for the informant and learned Additional Public
Prosecutor for the State.

The petitioner seeks regular bail in connection with
Daraunda Police Station Case No. 317 of 2020, registered for
the offence punishable under Sections 341/323/324/307/34 of
the Indian Penal Code.

The prosecution case, as per the First Information
Report, is that three persons, named in the First Information
Report, assaulted the brother of the informant by means of sharp
cutting weapon, due to which he died. The accused persons have
allegedly been identified by the informant through CCTV
camera.



Learned Counsel for the petitioner submits that the name of the petitioner has transpired in course of investigation on the basis of CCTV footage, in which one person was seen assaulting the brother of the informant and it has been alleged that the petitioner had changed his appearance and after covering his face has committed the murder of the brother of the informant and informant identified the petitioner on the basis of his gesture and his body language. He further submits that the petitioner is in custody since 16.02.2021 and charge sheet has been submitted against him, as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

On the other hand, learned Counsel for the informant opposes the prayer for bail and submits that though the petitioner is not named in the First Information Report, but subsequent investigation reveals that he, after covering his face, has committed the present offence.

Regards being had to the submission advanced on behalf of the parties and taking into consideration the materials on record and the fact that the petitioner is not named in the First Information Report, the informant claimed that the accused persons, named in the First Information Report, were seen in the CCTV footage, petitioner has been implicated in this



case on the basis of his gesture and appearance, he is in custody since 16.02.2021 and charge sheet has been submitted against him, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Daraunda Police Station Case No. 317 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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