

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35472 of 2022

Arising Out of PS. Case No.-511 Year-2021 Thana- ARARIA District- Araria

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MITHILESH YADAV Son of Late Ramlal Yadav Resident of Village -
Murballa Ward No. 05, P.S. Araria (R.S.), District - Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Araria
(R.S.) P.S. Case No. 511 of 2021 registered for the offences
punishable under Sections 302, 201 and 34 of the Indian Penal
Code.

As per prosecution case, petitioner and others are
alleged to have committed murder of informant's brother.

Learned counsel for the petitioner submits that
petitioner is in custody since 30.06.2021. Petitioner bears no
criminal antecedent. Charge sheet has been submitted in the
case and there is no likelihood of tampering with the



prosecution evidence. He further submits that there is no specific allegation against the petitioner rather the same is general and omnibus in nature. There is no cogent and legal evidence against the petitioner. He further submits that as a matter of fact, informant and petitioner are relative and the name of the petitioner has been dragged by the informant due to previous enmity on account of land dispute. There is no eye witness to the occurrence. From perusal of FIR it would transpire that an unfounded and unsubstantiated suspicion has been raised based on trivial incidents of past. Moreover, similarly situated co-accused Md. Rabban has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 61713 of 2021 and the case of present petitioner stands more or less on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner



above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Araria in connection with Araria (R.S.) P.S. Case No. 511 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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