

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38596 of 2022

Arising Out of PS. Case No.-846 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Mithun Yadav @ Langra Yadav, Son of Dasrath Yadav, Resident of Mayaganj,
Mushari Ghat Purana I.G. Colony P.S.- Barari, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 21-10-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Kotwali (Barari) P.S. Case No. 846 of 2021
registered for the alleged offences under Sections 302 and 34 of
the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the informant was told by
the friend of his younger brother that the brother of the
informant has received gun shot injury and when the informant
along with his wife and his mother went at the spot, they
found his brother lying at the ground covered with blood.



The brother of the informant was taken to the hospital where he died during course of treatment. The informant named this petitioner along with other co-accused persons, who killed his brother by shooting him.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely on the basis of suspicion. From the FIR, it is apparent that no one has seen the commission of alleged murder of the brother of the informant. No incriminating article has been recovered from the conscious possession of the petitioner. There is no tangible material to connect the petitioner with the alleged occurrence. The petitioner is in custody since 20.12.2021 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and is accused in four other cases of serious nature.

Having regard to the submissions made hereinabove and considering the fact that there is no allegation of any specific overt act against this petitioner and further considering the distinct lack of material against the petitioner to connect him with the crime of murder of the brother of the informant and also considering his period of custody and submission of



charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Barari) P.S. Case No. 846 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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