

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52978 of 2021**

Arising Out of PS. Case No.-121 Year-2012 Thana- HASANPUR District- Samastipur

Surenbra Yadav Son Of Uchit Yadav R/O Village- Morraha, P.S.- Hasanpur,
Distict- Samastipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai- Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari- A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 10-02-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner seeks bail in connection with Hasanpur
P. S. Case No.121 of 2012, instituted for the offences under
Section 302/ 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 14.07.2021, he is a person with
clean antecedent and charge-sheet has been submitted in the
case.

The learned counsel for the petitioner submits that the
informant alleges that Rahul Kumar, who was friend of his
cousin Awadhesh Kumar had accompanied on 30.11.2012 at
about 4.00 P.M. and at about 12.00 mid-night, Rahul Kumar
came and said that Awadhesh Kumar was serious. Accordingly,



the informant reached the place of occurrence and saw Awadhesh Kumar dead and was informed by Rahul Kumar that they had taken liquor along with 2-3 unknown persons and after disclosing the said fact, Rahul fled along with 2-3 unknown persons along with mobile of Awadhesh Kumar. It is further alleged that skin of knee and elbow of Awadhesh Kumar had scratches and blood was oozing from mouth and nose.

The learned counsel for the petitioner further submits that no doubt, the case is of 2012, but the petitioner was completely unaware of the fact that he has been falsely implicated in a criminal case. The learned counsel submits that petitioner is not named in the F.I.R. Further from the address of the petitioner and the informant, it would be evident that they both belong to the same village and as such, if the petitioner would have accompanied Rahul and Awadhesh, then definitely the informant would have recognized the petitioner, as it is alleged that Rahul along with 2-3 unknown persons were present. The fact that the informant in the F.I.R. himself stated that the 2-3 unknown persons were there, that in itself demonstrates that petitioner was not present at the place of occurrence as the petitioner and the informant are known to each other being co-villager.



The learned counsel further submits that the report records traces of thimet with ethyl alcohol in the body of the deceased which further goes to show that the deceased died on account of consuming spurious liquor.

The learned A.P.P. for the State opposes the bail application.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in the case and taking into consideration the submissions made by the learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IIIrd, Rosera at Samastipur in connection with Hasanpur P. S. Case No.121 of 2012.

The application stands allowed.

(Satyavrat Verma, J)

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