

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45736 of 2022

Arising Out of PS. Case No.-104 Year-2022 Thana- RAHUI District- Nalanda

TARUN KUMAR @ PATAN YADAV SON OF LATE CHOTE YADAV @
CHOTE GOPE R/O VILLAGE- MILKIPAR, P.S.- RAHUI (BHAGAN
BIGAHA), DISTRICT- NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha

For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

Learned counsel for the petitioner seeks permission to
make necessary correction in paragraph nos. 7 and 13 of the
present bail petition.

Accordingly, learned counsel for the petitioner is
permitted to make necessary correction in paragraph nos. 7 and
13, during course of day, itself.

The petitioner seeks bail in connection with Rahui
(Bhagan Bigaha) P.S. Case No. 104 of 2022 registered for the
offence under Sections 302, 120(B) and 34 of the Indian Penal



Code.

The accused/petitioner is named in the F.I.R. and is in custody since 13.05.2022.

The allegation against the petitioner is to commit murder of the brother of informant along with other co-accused persons, in the background of previous enmities and threats.

Learned counsel appearing on behalf of the petitioner submitted that admittedly, informant is not the eye-witness of the occurrence, where, entire allegation is based upon the suspicion, due to previous enmities, as it appears from bare perusal of FIR. It is also submitted that admittedly, petitioner was in jail, at the time of occurrence, where, save and except suspicion nothing incriminating surfaced during course of investigation. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that informant is not the eye-witness of the occurrence.

Considering the facts and circumstances as mentioned above, as informant is not the eye-witness of the occurrence,



where, allegation is completely based upon suspicion in the background of previous enmities and the fact that petitioner was in jail at the time of occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Rahui (Bhagan Bigaha) P.S. Case No. 104 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Nalanda (Biharsharif)/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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