

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48299 of 2022

Arising Out of PS. Case No.-437 Year-2019 Thana- JAYNAGAR District- Madhubani

DILIP YADAV @ DEEPAK YADAV Son of Lakshmi Yadav @ Moti Yadav
R/V- Chhechhani, P.S- Bithan Bazar, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-12-2022 Heard learned counsel for the petitioner and learned APP
for the State.

Learned counsel for the petitioner is directed to remove
the defect(s) as pointed out by the office within a period of four
weeks.

The petitioner seeks bail in a case registered under
Section-302/34 of the Indian Penal Code and 27 of the Arms Act.

Prosecution case in short is that while the informant's son
namely, Purushottam Jha @ Sattan Jha was coming from Jainagar to
Dullipatti, he was murdered by four accused persons riding on
motorcycle.

It has been submitted that there is no allegation of
tampering of witnesses alleged against the petitioner. The petitioner
is in custody since 12-08-2021. Charge sheet has already been
submitted in this case. The petitioner is not named in the FIR. The



name of the petitioner has transpired in the present case on the basis of confessional statement of co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. The petitioner has not been put on TIP to ascertain his participation in the alleged occurrence. No stolen article is said to have been recovered from possession of the petitioner. There is no eye witness to the alleged occurrence nor there is any circumstantial evidence to show that the petitioner had participated in the alleged offence.

On behalf of the State, it is submitted that the petitioner is not named in the FIR.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV, Madhubani in connection with Sessions Trial No. 280 of 2017 arising out of Jainagar P.S. Case No. 437 of 2019 (C.R.I. Case No. 1637 of 2019).

(Sudhir Singh, J)

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