

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64128 of 2021

Arising Out of PS. Case No.-15 Year-2021 Thana- BARHARA District- Bhojpur

KASHI YADAV Son of Girvar Yadav Resident of Village - Kawal Chapra,
Police Station - Barhara (Sinha O.P.), District - Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Nand Kishore Pd.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 29-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Barhara
P.S. Case No. 15/2021 registered for the offences punishable
under Sections 302/34 of the Indian Penal Code and Section 27
of the Arms Act.

As per prosecution case, there is accusation against
the petitioner and others to have committed murder of the elder
brother of the informant. It is alleged that petitioner took away
the deceased with him from the house.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. There is no eye witness of the alleged occurrence. From
perusal of the FIR, it can be said that the petitioner is lastly seen
with the deceased. During course of investigation, there is



nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. All the witnesses who are close relatives are heresay witnesses and the name of petitioner has been found only on suspicion. Learned counsel for the petitioner further submits that the petitioner is co-villager of the informant. The petitioner has no concern with the Ravindra Yadav who earlier threatened to the deceased to kill him. There is no motive attributed toward the present petitioner. The petitioner is languishing in custody since 09.01.2021 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Bhojpur at
ARa in connection with Barhara P.S. Case No. 15/2021, 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)

amitkumar/-

U		T	
---	--	---	--

