

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70525 of 2021

Arising Out of PS. Case No.-13 Year-2020 Thana- KHUTAUNA District- Madhubani

Shiv Charan Yadav, Son of Vilat Yadav, Resident of village - Sihula, Police Station - Khutauna, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate
		Mr. Rajesh Kumar, Advocate
For the Opposite Party/s :		Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-07-2022 Heard learned senior counsel for the petitioner and learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Khutauna P.S. Case No. 13 of 2020 registered for the alleged offences under Section 302 of the Indian Penal Code.

The prosecution case is the informant recorded his fardbeyan regarding death of his father, who was found on road in injured condition. The informant expressed his apprehension that his father was murdered by some unknown persons under a



conspiracy. Later on, the name of the petitioner transpired as the accused who murdered the father of the informant.

Mr. Ramakant Sharma, the learned senior counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case without any cogent evidence. In fact, the petitioner was the person, who took the father of the informant to Primary Health Centre for treatment and this fact gets reflected in the *fardbeyan* itself. However, later on, for reasons best known to the prosecution, the petitioner was named as an accused only on suspicion that deceased had given him a loan of Rs. 50,000/- and in order to avoid paying the loan, he might have killed him, but there is nothing on record to justify this suspicion against the petitioner. The charge-sheet has been submitted in this case and the petitioner is in custody since 28.03.2021 and is having clean antecedent.

Learned APP though opposes the prayer for bail submitting that it is a case of circumstantial evidence and petitioner was last seen together with the deceased yet he concedes that except for this fact, there is nothing against this petitioner in the case diary and petitioner has been named as an accused only on suspicion.

Perused the records.



Having regard to the submissions made hereinabove and considering the fact that nothing substantive has come against this petitioner during the investigation and he has merely been named in this case on suspicion and further considering the period of his custody, 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 Additional Chief Judicial Magistrate-III, Jhanjharpur, Madhubani in connection with Khutauna P.S. Case No. 13 of 2020, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) 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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