

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.495 of 2022

Arising Out of PS. Case No.-61 Year-2021 Thana- BHARGAMA District- Araria

PAPPU YADAV @ PAPPU KUMAR YADAV Son of Biren Yadav @
Birendra Yadav Resident of Village - Raharia, Ward No. 13, P.S. - Bhargama,
District - Araria, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurav Kumar Suman, Advocate

For the Informant : Mr. Viveka Nand Singh, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-05-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 302 and 120(B)/34 of the
Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 31.08.2021, charge-sheet has been
submitted and is a person with clean antecedent.

The informant alleges that petitioner along with
named accused persons has killed her husband on account of
dispute relating to cutting of branches of Jack fruit tree.

Learned counsel for the petitioner submits that from



bare perusal of the allegation as alleged in the FIR, it would manifest that informant is not an eyewitness to the occurrence nor the FIR discloses that how the informant came to know that it was the petitioner and the accused persons who had committed the occurrence, as such, the entire allegation hinges around suspicion. Learned counsel further submits that it absolutely does not stand to reason that for cutting branches of a tree an occurrence of the magnitude of the person could have been committed by the petitioner who is a person with clean antecedent. Learned counsel further draws the attention of the Court to the first information report to submit that the date of occurrence is 08.05.2021, the FIR is instituted on 08.05.2021 but it was seen by the Judicial Magistrate, 1st Class, on 28.05.2021 which amply demonstrates that the FIR was sent to the learned court below after a delay of twenty days that itself creates a suspicion as to whether the FIR was ante dated or the police in connivance with the informant falsely implicated the petitioner.

Learned counsel for the informant and learned A.P.P. for the State vehemently opposed the prayer for regular bail of the petitioner but are not able to meet the submissions of the learned counsel for the petitioner that the FIR was sent to the



learned court below after a delay of twenty days.

Considering the fact that the petitioner is in custody since 31.08.2021, charge-sheet has been submitted and is a person with clean antecedent 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 furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with G.R./C15-1430/2021 arising out of Bhargama P.S. Case No. 61 of 2021.

(Satyavrat Verma, J)

Kundan/-

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

