

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.918 of 2022

Arising Out of PS. Case No.-63 Year-2021 Thana- UDAKISHUNGANJ District- Madhepura

Hariom Sharan Yadav, S/o Late Jay Ram Yadav, R/o village- Chharrapatii
(Charrapatti), P.S.- Udakishunganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-10-2022 Heard learned 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.

In the present case, the petitioner seeks bail in
connection with Udakishunganj P.S. Case No. 63 of 2021
registered for the alleged offences under Sections 302, 363, 364,
365, 120(B) and 34 of the Indian Penal Code.

As per prosecution case, the father of the petitioner
was killed and her mother as informant has lodged this case
against her brother Sushil Yadav and others for having caused
the death of her husband. Later on, the name of the petitioner
transpired as the person who killed his father.

Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in this case. There is no eye-witness to the alleged occurrence and considering the relationship of the petitioner with the deceased it is not believable that the son murdered his father. The entire allegation against this petitioner is absurd and concocted and he has been made accused due to grudge and malice. The maternal uncle of the petitioner is on inimical terms with the petitioner and his mother and he had also threatened the mother of the petitioner for execution of some land deed in his favour. Learned counsel further submits that nothing has come up on record during investigation showing involvement of the petitioner in the alleged occurrence. The petitioner is in custody since 08.07.2021 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that there are a number of cases pending against the petitioner.

Having regard to the facts and circumstances and the submissions made hereinabove and considering the lack of substantive material against this petitioner to connect him with the offence as alleged and further considering his period of custody along with the submission of charge-sheet, 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-I in connection with Udakishunganj P.S. Case No. 63 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) 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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