

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.932 of 2022

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

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Ajit Yadav Son of Ganga Prasad Yadav Resident of Village - Gobarhi, P.S.-
Jainagar, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ratanakar Jha

For the Opposite Party/s : Mr.Harendra Prasad

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 30-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioner seeks bail in connection with Jainagar P.S.
Case No. 437 of 2019 registered for the offence under Sections
302/34 of the I.P.C. and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 19.03.2020.

The allegation against the petitioner is to commit murder
of the son of informant along with other co-accused persons.

Learned counsel appearing on behalf of the petitioner
submitted that the informant is not eye witness of the occurrence,
where petitioner is not named as an accused. It is further submitted
that the alleged eye witness of this occurrence failed to identify this



petitioner. It is also submitted that similarly situated co-accused person, namely, Abhishek Mishra, has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr.Misc. No. 24860 of 2020 vide order dated 05.01.2021. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that the informant is not the eye witness of the occurrence.

Considering the facts and circumstances as mentioned above, as informant is not eye witness of the occurrence, where alleged eye witnesses of the occurrence failed to identify this petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Jainagar P.S. Case No. 437 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Madhubani/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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