

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.20155 of 2022

Arising Out of PS. Case No.-138 Year-2021 Thana- ASHTHAWAN District- Nalanda

SHIVA YADAV @ SUNIL KUMAR S/O JADUNANDAN YADAV @ JADU
YADAV @ YADUNANDAN YADAV RESIDENT OF VILLAGE- GAFAR
BIGHA, P.S.- ASTHAWAN, DISTRICT- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mrs. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 04-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in
connection with Asthawan P.S. Case No. 138 of
2021 for the offence registered under Section 396
of the Indian Penal Code.

The allegation is regarding unknown
accused persons having entered the house of the
informant whereafter they had not only killed the
brother of the informant but had also committed
loot.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, he has
been falsely implicated in the present case and he
is languishing in custody since 01.07.2021. The
learned counsel for the petitioner has further
submitted that though the petitioner is an accused



in four other cases but he is on bail in all the said four cases. It is also submitted that there is no eye witness to the alleged occurrence and the petitioner has been roped in the present case merely on suspicion.

Per contra, the learned A.P.P. for the State Ms. Anita Kumari Singh has submitted, by referring to the case diary in question, that during the course of investigation though it has been disclosed by one Idris Ansari, who is the care taker of the house in question, that the petitioner and one another person namely Munni Yadav were seen at the house in question on the previous night, however, no incriminating material has come to the fore, so as to *prima facie* connect the petitioner with the alleged occurrence.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the materials available in the case diary, this Court



finds that the petitioner has been implicated in the present case merely on suspicion and neither there is any eye witness to the alleged occurrence nor any substantial evidence has been collected during the course of investigation to *prima facie* indicate the complicity of the petitioner in the alleged crime apart from the fact that he is languishing in custody since more than one year, hence I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VIIth, Nalanda at Bihar Sharif in connection with Asthawan P.S. Case No. 138 of 2021, Session Trial No. 709 of 2021.

(Mohit Kumar Shah, J)

S.Sb/Saurav-

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

