

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25442 of 2023

Arising Out of PS. Case No.-109 Year-2021 Thana- BELAGANJ District- Gaya

Indradev Yadav @ Inderdeo Yadav Son Of Late Mahabir Yadav R/O Village-
Vanshi Bigha, P.S.- Belaganj, District- Gaya.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Sinha, Sr. Advocate Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 08-08-2023 Heard learned Senior counsel appearing on behalf
of the petitioner and learned counsel appearing on behalf of the
State.

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

3. The petitioner seeks bail in connection with
Belaganj P.S. Case No. 109 of 2021 registered for the offence
under Sections 302, 201, 34 of the Indian Penal Code.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 13.12.2022.

5. The allegation against the petitioner is to commit
murder of husband of informant alongwith other named co-
accused persons after calling him from home on 28.03.2021 at



about 9:00 PM.

6. Learned senior counsel appearing on behalf of the petitioner submitted that informant is not the eye-witness of the occurrence and merely on the basis of suspicion arises out of hearsay input of co-villagers, implicated this petitioner with present occurrence. It is further pointed out by the learned Senior counsel that save and except "*last seen*", nothing appears against this petitioner. It is submitted that the allegation of "*last seen*" is also not appearing convincing because the husband of informant joined informant at home after returning from the house of petitioner and other co-accused persons after attending dinner party, and as such, there was no second occasion to call him as alleged. It is further pointed out that nothing surfaced during the course of investigation as to incriminate petitioner with present occurrence of murder out of suspicion/last seen as alleged through present FIR. While travelling over the argument, it is pointed out that similarly situated co-accused persons, namely, Minta Devi has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 65302 of 2021 dated 16.05.2022. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet



has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of fact as save and except suspicion arises out of hearsay input furnished by co-villagers to informant and as of “*last seen*”, nothing incriminating appears during the course of investigation as to connect petitioner *prima facie* with present occurrence of murder, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 13.12.2022 accordingly, petitioner above named, is directed to be released on bail in connection with Belaganj P.S. Case No. 109 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IIInd, Gaya/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

9. The presence of I.O. of this case is dispensed with.

(Chandra Shekhar Jha, J)

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