

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31041 of 2023

Arising Out of PS. Case No.-312 Year-2015 Thana- TEKARI District- Gaya

Rajendra Yadav Son of Late Kali Charan Yadav Resident of Village-
Rambigha, P.S.- Belaganj, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagendra Sharma, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-07-2023 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 Tekari
P.S. Case No. 312 of 2015 registered for the offence under
Section 302/201/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 25.01.2023.

The allegation against this petitioner is to commit
murder of son of informant alongwith other co-accused persons
by using sharp cut weapons, where dead body was cut into
multiple pieces, where occurrence arises out of longstanding
previous enmities.



Learned counsel appearing on behalf of the petitioner submitted that apparently, informant is not the eye witness of the occurrence, where on the basis of suspicion due to previous enmities named falsely with present case. It is submitted that save and except suspicion of the informant, who is not the eye witness of the occurrence, nothing appears incriminating against this petitioner during the course of investigation. It is further submitted that similarly situated co-accused, namely Gaya Yadav has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 37660 of 2021 vide order dated 12.05.2022. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, and by taking note of the fact as save and except suspicion nothing incriminating appears against this petitioner, where informant is not the eye witness of the occurrence, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 25.01.2023, accordingly the



petitioner, above named, is directed to be released on bail in connection with Tekari P.S. Case No. 312 of 2015 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Gaya/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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