

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32343 of 2023

Arising Out of PS. Case No.-1012 Year-2021 Thana- BANKA District- Banka

Kisto Yadav @ Anuranjan Yadav Son Of Mahendra Yadav R/O Village-
Bishahara, P.S- Banka, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-07-2023 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 Banka
P.S. Case No. 1012 of 2021 registered for the offence under
Sections 341, 323, 504, 506, 379, 307/34 of the Indian Penal
Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 15.12.2022.

The allegation against this petitioner is to commit
murder of the husband of informant alongwith other co-accused
persons/family members by causing bodily injuries using iron
rod, pipe etc., where injured husband of the informant died after



24 days of the occurrence and subsequently Section 304 of the Indian Penal Code was added in the formal F.I.R., where occurrence arises out of previous enmities due to local disputes and differences.

Learned counsel appearing on behalf of the petitioner submitted that it appears from the face of F.I.R. that informant is not the eye witness of the occurrence and raised allegation based upon suspicion and hearsay input, as received from unknown villagers. It is submitted that the present implication is out of previous enmities, when husband of informant received injuries out of accident. It is further submitted that after treatment the husband of informant returned his home and died thereafter, certainly for other reasons, not the injuries as alleged to be received during occurrence. While concluding the argument, it has been submitted that after investigation charge-sheet has been submitted under Section 304 of the Indian Penal Code and moreover, investigation of this case is completed, and 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 informant is not the eye witness of the occurrence, where after investigation charge-



sheet has been submitted under Section 304 of the Indian Penal Code, where petitioner is in custody since 15.12.2022, accordingly the petitioner, above named, is directed to be released on bail in connection with Banka P.S. Case No. 1012 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 Chief Judicial Magistrate, Banka/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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