

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32439 of 2022

Arising Out of PS. Case No.-20 Year-2022 Thana- CHARPOKHARI District- Bhojpur

Muni Yadav S/o Shahji Yadav @ Anand Kumar Singh R/o village- Rajapur,
P.S.- Piro, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 14-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with
Charpokhari P.S. Case No.20 of 2022 registered for the offence
under Sections 302 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 10.02.2022.

The allegation against the petitioner is to commit
murder of brother of informant alongwith other co-accused
persons due to enmities arising out of playing songs during
visarjan of Saraswati Idol in the procession.

Learned counsel appearing on behalf of the petitioner
submitted that the informant is not the eye-witness of the
occurrence and entire implication is based upon hearsay input. It



is further submitted that even as per face of F.I.R., while narrating the occurrence no name was taken by deceased before informant. It is submitted that chargesheet in this case has been submitted under Section 304 of the Indian Penal Code (I.P.C.) after investigation. While traveling over the argument, it is submitted that medical report is suggesting that injuries are minor and simple in nature and not sufficient to cause death in ordinary course of nature, where cause of death reserved to be ascertained in due course after getting report of viscera from F.S.L. While concluding the argument, it is submitted that petitioner is involved in two more criminal cases of petty nature where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer for bail fairly conceded that charge-sheet has been submitted under Section 304 of the Indian Penal Code (I.P.C.) after investigation.

In view of the facts and circumstances, as informant is not the eye-witness of the occurrence where cause of death is yet to be ascertained coupled with the fact that charge-sheet has



been submitted u/S 304 of the I.P.C., let above named petitioner is directed to be released on bail in connection with Charpokhari P.S. Case No.20 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhojpur Ara/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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