

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41405 of 2022

Arising Out of PS. Case No.-259 Year-2019 Thana- RAGHOPUR District- Supaul

SHANKAR KUMAR @ SHANKAR YADAV son of Fulendra Yadav r/o
village- Koriyapatti, Ward no.-6, P.S.- Raghapur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Patla Kumari, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 11-01-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Raghapur P.S. Case No. 259 of 2019, registered for the offences punishable under Sections 302, 120-B, 34 of the Indian Penal Code.

The case of the prosecution in brief according to the father of the deceased is that on the alleged date and time of occurrence, his daughter-in-law had informed him that the deceased was lying in an injured condition, whereafter he was taken to the hospital by his brother-in-law. The informant, after receiving the



said news had straightway proceeded to the hospital where he had found that the deceased was having a wound on the head for which he was being treated. Later, the deceased had succumbed to his injury. It is further alleged that the informant was told that the deceased had talked to somebody on phone in an agitated state and, therefore, the informant suspected that the person who had talked to the deceased some time prior to his death may have caused the fatal injury. The F.I.R. has been lodged against unknown persons.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 22.01.2022. The learned counsel for the petitioner has further submitted that the materials available in the case diary would bear it out that the petitioner has been roped in the present case merely on suspicion, however, there is no eye witness to



the alleged occurrence and no allegation of any sort of overtact has been made qua the petitioner herein. It is further submitted that other similarly situated co-accused persons have already been granted bail by co-ordinate Benches of this Court vide order dated 16.05.2022/22.06.2022 passed in Cr. Misc. No. 19045 of 2021 and vide order dated 29.03.2022 passed in Cr.Misc. No.1231 of 2022, whereas the case of the petitioner stands on a better footing.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail and has referred to the materials available in the case diary, more particularly, paragraph no.47 thereof to submit that though the statements of eye witnesses have been recorded by the police, however, there is no allegation of any sort of overt act having been engaged in by the petitioner herein. It is also submitted that upon investigation it has transpired that the deceased, son of the informant, was having love affair with the daughter of Lalit Yadav, i.e.



brother of Amrendra Yadav, however, as far as the present petitioner is concerned, he has got nothing to do either with the informant or with the said Lalit Yadav and his family. It is also submitted that if paragraph no.18 onwards of the case diary is perused, a different story has been propounded to the effect that the deceased has met with an accident on account of being hit by the motor bike of the son of Lalit Yadav.

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 there is minuscule evidence on record so as to connect the petitioner with the alleged crime, apart from the fact that the petitioner is having a clean antecedent, he is languishing in custody since 22.01.2022, and similarly situated co-accused



persons have already been granted the privilege of bail by co-ordinate Benches of this Court, hence, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1 Birpur, Supaul in connection with Raghopur P.S. Case No. 259 of 2019.

(Mohit Kumar Shah, J)

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