

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46802 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- MANJHI District- Saran

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DINESH YADAV Son of Late Shivprakash Yadav Resident of Village -
Mubarakpur, P.S.- Manjhi, District - Saran at Chhapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Chandra Mohan Jha, ADvocate
For the Opposite Party/s :	Mr. Anish Chandra, APP
For the Informant/s :	Mr. Rana Vikram Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 11-08-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Manjhi

P.S. Case No. 38 of 2023 registered for the offence under

Sections 147, 148, 149, 341, 342, 323, 504, 324, 307, 302, 427,

485, 120-B of the Indian Penal Code.

3. The accused/petitioner is not named in the F.I.R.

and is in custody since 07.02.2023.

4. The allegation against the petitioner is to commit

murder of son and nephew of the informant alongwith other

named or unknown co-accused persons by using *lathi, danda,*

rod, etc., where occurrence arises out of previous enmities.

5. Learned counsel appearing on behalf of the



petitioner submitted that informant is not the eye witness of the occurrence and he also failed to name this petitioner. It is submitted that one of the injured eye witness during the course of occurrence, namely, Alok Kumar Singh also failed to name this petitioner, while recording his statement at first instance, during the course of investigation, which is available as paragraph no. 99 of the case diary but subsequently, being an afterthought same injured eye-witness named this petitioner while recording his statement which is available in paragraph no. 174 of the case diary, where maximum allegation which appears against this petitioner is being part of mob only, without attributing any overt act towards causing death of son and nephew of the informant. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by learned counsel, Mr. Rana Vikram Singh appearing on behalf of the informant while opposing the prayer of bail submitted that petitioner actively participated in occurrence as it is appearing from the statement of injured eye witnesses, namely, Alok Kumar Singh, which is



available in paragraph no. 174 of the case diary.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as injured eye witness failed to name this petitioner, while recording his statement at first instance, which is available in paragraph no. 99 of the case diary and the maximum allegation what appears against this petitioner is being a part of mob only without attributing any overt act towards causing death of son and nephew of the informant coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 07.02.2023, accordingly, above named petitioner is directed to be released on bail in connection with Manjhi P.S. Case No. 38 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J. 4, Saran at Chapra/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C

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

(Chandra Shekhar Jha, J)

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