

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62687 of 2022

Arising Out of PS. Case No.-79 Year-2022 Thana- PARAIYA District- Gaya

Vinod Yadav, Son of Late Baudh Yadav, Resident of Village-Dumra, P.S.-
Paraiya, District- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 25-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned Additional Public Prosecutor for the
State.

The petitioner seeks bail in connection with Paraiya
P.S. Case No.79 of 2022 registered for the offences punishable
under Section 302 read with 34 of the Indian Penal Code.

The petitioner/accused is named in the first
information report and is in custody since 16.04.2022.

The allegation against the petitioner is to commit
murder of father of the informant along with other co-accused
persons by means of wrapping 'gamcha', around the neck of
the father of informant, where occurrence is founded over
dispute arises out of 'matka foro' social function.

It is submitted by learned counsel for the petitioner



that the petitioner has been falsely implicated in this case. It is also pointed out that allegation appearing against this petitioner is general and omnibus in nature. It is also submitted that version of informant, who is claiming to be an eye-witness of the occurrence is appearing completely non-convincing on its face for the reason that no injuries were found upon neck, as alleged through FIR, while conducting postmortem upon the deceased. It is submitted that occurrence is appearing free-fight in nature, where both parties received injuries and a case from petitioner's side was also lodged prior to the case of the informant, which has been registered as Paraiya P.S. Case No.75 of 2022. While concluding the argument, it is submitted that petitioner found involved in one criminal case, which is trivial in nature and moreover, investigation of this case has been completed, for which the charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer for bail.

In view of the above-mentioned facts and circumstances, as allegation as regard to assault is not appearing in corroboration with injuries as reported through postmortem report of the deceased on its face, coupled with the fact that charge-sheet has already been submitted, let above named



petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Gaya in connection with Paraiya P.S. Case No.79 of 2022, subject to the conditions as mentioned under Section 437(3) of the Code of Criminal Procedure.

(Chandra Shekhar Jha, J.)

Sanjeet/-

U		T	
---	--	---	--

