

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64853 of 2023

Arising Out of PS. Case No.-219 Year-2023 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Surendra Yadav @ Bijali Yadav S/O- Late Narayan Yadav Village- Paharpur
Ps- Simari Bakhtiyarpur Balwa Hat OP Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Adv.
Mr. Dinesh Maharaj, Adv.
For the Opposite Party/s : Mr. Subesh Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 06-12-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Simari Bakhtiyarpur (Balwa Hat O.P.) P.S. Case No. 219 of 2023 registered under sections 302 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that hearing *hulla*, he reached near the sound from where the *hulla* was coming. On reaching there, he saw three named accused persons including the petitioner herein, as also his wife and 5-6 others running away. On reaching the place of occurrence, it transpired that his son aged about 15-16 years had been killed and the accused persons had escaped. A number of persons named in the F.I.R. have seen the occurrence.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. From perusal of the F.I.R. itself, it would be evident that the informant is not an eye witness to the occurrence. Further from the material that has transpired in course of investigation also, it would transpire that the witnesses are not the eye witness and accepting the statement for the sake of argument, the case against the petitioner is that he was seen fleeing away from the place of occurrence. The petitioner and the deceased are related in so far as the petitioner happens to be the maternal uncle. He is in custody since 9.5.2023 and charge-sheet has been submitted in the case.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that not only the petitioner is named in the F.I.R., but there is direct allegation against him that he was seen fleeing away from the place of occurrence and immediately thereafter, the dead body of the son of the informant was recovered. The fact that the petitioner was seen fleeing away has been supported by different witnesses in course of investigation. It is prayed that the application for bail be rejected.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation in the F.I.R., the material that has transpired in course of investigation, the petitioner having remained in custody since 9.5.2023, there being no eye witness to the actual occurrence and investigation in the case having concluded with the submission of charge-sheet, the Court directs the petitioner to be enlarged on bail in connection with Simari Bakhtiyarpur (Balwa Hat O.P.) P.S. Case No. 219 of 2023 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 Chief Judicial Magistrate, Saharsa.

(Partha Sarthy, J.)

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