

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71369 of 2022

Arising Out of PS. Case No.-357 Year-2020 Thana- SABAUR District- Bhagalpur

PRABHU YADAV S/o Ambika Yadav R/o village- Daspur, P.S.- Sajour, Distt-
Bhagalpur, Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda

For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-03-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Sabour
P.S. Case No. 357 of 2020 registered for the offence under
Sections 302, 120(b)/34 of the Indian Penal Code and Section
27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.05.2022.

The allegation against the petitioner is to commit
murder of the husband of the informant alongwith other co-
accused persons due to previous enmities arises out of non-
payment of loan of Rs. 5 lakhs, as advanced by this petitioner



to the deceased husband of informant.

Learned counsel appearing on behalf of the petitioner submitted that the maximum allegation, as per the face of F.I.R. against this petitioner is of “**last seen**”. It is further submitted that even the allegation of last seen is not exclusively with this petitioner, rather it was alleged that petitioner alongwith one co-accused Yogesh Yadav went together on last occasion from the house of the informant. It is also submitted that nothing incriminating surfaced during the course of investigation on the basis of suspicion, as raised through “**last seen**”, which may connect petitioner, *prima facie*, with present occurrence of murder. It is also submitted that said co-accused Yogesh Yadav, facing similar allegation, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 50167 of 2021 vide order dated 31.03.2022. While concluding the argument, it has been submitted that petitioner alleged to find involved in four criminal cases, where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned



above, as save and except “**last seen**”, no incriminating material appears against this petitioner as surfaced during the course of investigation, coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sabour P.S. Case No. 357 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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