

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2008 of 2023

Arising Out of PS. Case No.-204 Year-2021 Thana- GWALPARA District- Madhepura

Sachin Kumar @ Sachin Yadav Son of Late Khelo Yadav R/v- Biriranpal,
P.S.- Udakishunganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-06-2023 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 Gwalpara
(Arar) P.S. Case No. 204 of 2021 registered for the offence
under Section 302 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 30.07.2022.

The allegation against the petitioner is to commit
murder of the mother of informant, where petitioner is brother-
in-law of the informant.

Learned counsel appearing on behalf of the petitioner
submitted that save and except suspicion as raised by informant,



nothing surfaced against this petitioner which may connect him, *prima facie*, with this occurrence. It is pointed out that as per the narration of F.I.R., informant specifically raised that the murder of his mother was committed by cutting her throat using sharp-cut weapon but as per the post-mortem report the cause of death is something different suggesting that same was caused due to **‘asphyxia due to strangulation’**. It is also pointed out that no incriminating material even collected during the course of investigation to connect petitioner with the occurrence. It is also submitted that the petitioner was named in this case only while some unknown villagers told to informant that his brother-in-law (petitioner) found making an exit from the house of 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.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as informant is not the eye witness of the occurrence, save and except suspicion nothing surfaced against this petitioner, *prima facie*, to connect him with present occurrence,



coupled with the fact that petitioner is in custody since 30.07.2022 where charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Gwalpara (Arar) P.S. Case No. 204 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Madhepura/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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