

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25839 of 2024

Arising Out of PS. Case No.-190 Year-2021 Thana- SINDHIYA District- Samastipur

Madan Yadav, Male, aged about 82 years, son of Late Chumman Yadav,
Resident of Village- Akona P.S.- Singhia Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Giridhar Gopal Tiwary, Advocate

For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-05-2024 Heard Mr. Giridhar Gopal Tiwary, learned counsel
appearing on behalf of the petitioner and Mr. Atul Chandra,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Singhia P.S. Case No. 190 of 2021 registered for the
offence(s) punishable under Sections 304 of the Indian Penal
Code and Sections 3 and 4 of Explosive Substance Act.

3. As per the allegation made in the FIR, the
informant is the full brother of the deceased, and his sister had
died in her matrimonial house, while a cracker caught fire and
exploded leading to the death of the sister of the informant.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is not named in the FIR and
he is 82 years old, which would appear from his Aadhaar Card.



It is further submitted that the petitioner, being the neighbour of the deceased, has been robbed in the present case on the basis of two FIRs, which were lodged against him being Singhia P.S. Case No.74 of 2002, registered under Sections 143, 447, 427 of Indian Penal Code and Singhia P.S. Case No.34 of 2021, registered under Sections 341, 323, 354, 379, 427, 504 and 506 of Indian Penal Code. It is further submitted that petitioner has been acquitted in Singhia P.S. Case No.74 of 2002 by the District Court and in support of the same, he has brought on record the judgment passed in Trial No.451 of 2017 as Annexure P/1, whereas in Singhia P.S. Case No.34 of 2021, petitioner has been granted liberty of Section 41 of Cr.P.C.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that from perusal of the FIR, it appears that while the deceased was in her matrimonial house and was sitting near bonfire, a cracker exploded which was kept in the bonfire by some children and petitioner being the neighbour of the deceased on mere suspicion has been made accused in the present case on the basis of his criminal antecedent. It has been informed that petitioner has been



acquitted in Singhia P.S. Case No.74 of 2002 and in Singhia P.S. Case No.34 of 2021, petitioner has been granted liberty of Section 41 of Cr.P.C. Law is well settled that suspicion however strong cannot take the place of proof. I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Samastipur in connection with Singhia P.S. Case No. 190 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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