

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35921 of 2024

Arising Out of PS. Case No.-202 Year-2023 Thana- BANKA District- Banka

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Munjay Yadav @ Munjay Kumar Yadav Son of Sikandar Yadav R/O Vill.-
Vijaynagar, P.S.- Banka, Dist.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 12-06-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Banka P.S. Case No. 202 of 2023 registered for the alleged offences under Sections 302, 201, 120(B) of the Indian Penal Code.

3. As per prosecution case, the dead body of the son of informant was found and hanging on a tree and the informant showed his suspicion that the petitioner and the other co-accused persons might be involved in the murder of his son due to previous enmity as they threatened the son of the informant with life.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in this case due to village politics. He further submits that there is no eye-witness to the occurrence and merely on the suspicion of the informant, petitioner has been made accused in this case. Though the informant alleges that two months prior to the occurrence, fighting took place between the son of informant and the petitioner but no complaint has been made to the police. Learned counsel further submits that except for suspicion there is no material evidence against the petitioner. The petitioner is a young boy of age 19 years and he is having antecedent of one case.

5. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner and submits that the postmortem report shows case of death as Asphyxia due to throttling and S.D.P.O. in his supervision note find case true against the petitioner.

6. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the lack of substantive material against the petitioner and also considering the possibility of false implication, let the petitioner above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/-



(Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Court of learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 202 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

Siddharth
Sagar/-

(Arun Kumar Jha, J)

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