

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44687 of 2024

Arising Out of PS. Case No.-58 Year-2022 Thana- TIKAPATTI District- Purnia

Basuki Yadav Son of Late Jagdish Yadav R/O Vill.- Dumari, P.S.- Tikapatti,
Dist.- Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 20-09-2024 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Tikapatti P.S. Case No. 58 of 2022 dated 02.07.2022
registered for the offence(s) punishable under Section(s) 147,
149, 323, 365, 302 of the Indian Penal Code.

3. Mr. Bhola Prasad, learned counsel for the petitioner
submits that the FIR goes to show that the main allegation is
against the co-accused Yogendra Mandal with whom the
deceased had some dispute regarding the business of maize
and the petitioner has been made accused by the informant
mainly on the basis of information provided to him by his co-
villagers but the names of such villagers have not been disclosed
by him so the basis of making the petitioner as an accused is



only suspicion and during investigation all the witnesses examined by the investigating officer only raised the said suspicion and there is no direct evidence to show the petitioner's involvement in the alleged murder. Learned counsel further submits that though against this petitioner there is criminal antecedent of one case but the said case was lodged under Sections 341, 323, 427, 504, 506 of IPC and Section 3(i),(r),(s) of SC/ST Act in which he is on bail and he had no dispute with the deceased so there was no reason for him to be involved with the co-accused Yogendra Mandal and others in killing the deceased and admittedly, the informant is not an eye-witness of the alleged occurrence. Learned counsel further submits that as per the medical finding given in the postmortem report, the cause of death of the deceased was asphyxia due to manual strangulation.

4. Though, Mr. Nirmal Kumar Sinha, learned APP appearing for the State has opposed the bail prayer of the petitioner but fairly accepted that against this petitioner there is no direct evidence and only suspicion was raised by the informant and other witnesses.

5. Having considered the above submissions and mainly the facts that against this petitioner there is no direct



evidence to show his involvement in the alleged murder and the basis of making him an accused in this matter is a suspicion raised by the informant and as per the FIR, the deceased had business transactions with the co-accused Yogendra Mandal and the prosecution has not revealed any kind of dispute or any transaction in between the deceased and this petitioner, in my opinion, in the said circumstances, the petitioner deserves to the privilege of anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Tikapatti P.S. Case No. 58 of 2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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