

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44888 of 2024

Arising Out of PS. Case No.-139 Year-2024 Thana- AGAMKUAN District- Patna

Sharwan Kumar Yadav @ Jhapsa Son of Ambika Yadav R/O Daud Bigha,
P.S.- Agamkuan, Dist.- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ghanshyam Tiwary, Advocate
For the State	:	Mr. Anil Prasad Singh, APP
For the Informant	:	Mr. Pankjesh Sharma, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 25-09-2024 Heard learned counsel for the petitioner and learned APP

for the State as also learned counsel for the informant. Perused

the case diary.

2. The petitioner seeks bail in connection with

Agamkuan P.S. Case No. 139 of 2024 instituted for the offence

under Sections 302 & 201 of the Indian Penal Code.

3. Prosecution case in short is that *Bhagina* of the

informant was found dead in a small drain, near the neighbour's

house of the informant.

4. It has been submitted on behalf of the petitioner

that the petitioner is in custody since 15-02-2024. Petitioner is a

man of clean antecedent.

5. It has been further submitted by the petitioner's



counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has transpired in this case only on the basis of suspicion. There is no specific allegation against the petitioner, rather allegation is general and omnibus in nature. There is no eye-witness to the occurrence. Nothing incriminating has been recovered from the possession of the petitioner. It is submitted that from perusal of the postmortem report, it reveals that cause of death is asphyxia by drowning. It is lastly submitted that charge sheet has been submitted in this case.

6. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. It is submitted by referring to paragraph No. 5 of the case diary that informant in his re-statement has alleged the complicity of the petitioner in the occurrence.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, clean antecedent of the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of



Court below/concerned Court in connection with Agamkuan
P.S. Case No. 139 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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