

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81419 of 2023

Arising Out of PS. Case No.-269 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

Sugrim Yadav @ Sugriv Yadav S/O Baidh Nath Yadav @ Baidhnath Chaudhari @ Baijnath Yadav R/O Village- Shyampur Chaube Tola, P.S- Kuchaikote, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Dubey, Adv.

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 17-02-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. Perused the case diary.

3. The petitioner seeks bail in connection with Kuchaikote P.S. Case No. 269 of 2022 instituted for the offence under Sections 302/34 of the Indian Penal Code.

4. Prosecution allegation, in short, is that after hearing the information regarding dead-body which was lying under a tree near embankment, the Informant along with his family members reached at the spot and found that the said dead-body was of his elder brother.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the



present case due to previous dispute. He further submits that during investigation, except suspicion, nothing has come against the petitioner. The petitioner has one criminal antecedent as has been stated in paragraph no.3 of the present bail application and is languishing in judicial custody since 28.06.2023. He further submits that there is no eye-witness to the alleged occurrence and the name of the petitioner has been dragged in this case only on suspicion. The petitioner has no concern with the other accused persons.

6. Learned counsel for the petitioner again submits that the co-accused viz. Amin Mian, Jiyuddin @ Jabaruddin @ Jiyauddin @ Jiyauddin Miya and Azad Mian @ Azad Hussain @ Ajada Mian @ Ajad Hussain have already been granted bail by a Co-ordinate Bench of this Court vide order dated 16.01.2024 passed in Cr. Misc. No. 561 of 2024. He further submits that co-accused Daud Miya and Monajir @ Manajir @ Manajir Miya @ Monajir Hussain have also been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 11.10.2023 passed in Cr. Misc. No. 61889 of 2023.

7. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

8. Considering the entire facts and circumstances of



the case as also considering the fact that other similarly situated co-accused persons have been granted bail by this Court, let the petitioner, abovenamed, 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 Kuchaikote P.S. Case No. 269 of 2022, subject to the following conditions:-

- (i) One of the bailors shall be own/close member of the family of the petitioner.
- (ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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