

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5342 of 2024

Arising Out of PS. Case No.-17 Year-2020 Thana- BATH District- Bhagalpur

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Krishna Yadav @ Krishna @ Tipu Yadav @ Topla @ Topla Yadav @ Taplu
S/O Battan Yadav R/O Village- Basantpur, P.S- Akbarnagar, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Adv.

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Bath P.S. Case No. 17 of 2020, lodged on 30.04.2020 under
Sections 302, 201, 34 of the Indian Penal Code read with
section 27 of the Arms Act.

3. As per the prosecution case, FIR has been lodged
against four named accused persons including the present
petitioner against whom there is a suspicion which has been
caused that they all killed the husband of the informant by a gun
shot and thrown his dead body near *Gaidha* river.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that the name of the petitioner has been figured in



this case only by virtue of suspicion. Counsel further submits that on the alleged date and time of occurrence, the husband of the informant gone to his field to look after his corn crop and thereafter, the informant called his elder son on mobile and told him that the he will return after meeting with co-accused Taplu along with the petitioners. But, the informant did not return home till 8 pm and then the family members of the informant started searching the informant and subsequently his dead body was found near *Gaidha* river. Counsel submits that during investigation, no incriminating material has come against the petitioner and others, rather, they were subject to circumstantial evidence.

5. Learned counsel for the petitioner submits that the antecedent of the petitioner is not clean and there are four criminal cases pending against him in which he is on bail. The petitioner is in custody since 27.02.2023 in the present case. Counsel further submits that other co-accused have been granted bail by the co-ordinate Bench of this Court *vide* orders dated 30.09.2021 and 28.01.2022 passed in Cr. Misc. Nos. 30310 of 2021 and 44988 of 2021 respectively.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that this is a case of year 2020



and the petitioner has surrendered in 2023.

7. Upon specific query of the Court from the counsel for petitioner that whether charge has been framed in this case or not, counsel submits that as per his knowledge, charge has been framed in this case.

8. In the present facts and circumstances of this case and in the light of the submissions made that charge has already been framed, let the petitioner above named, be granted bail, **six months after framing of charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-V, Bhagalpur in connection with Bath P.S. Case No. 17 of 2020.

9. In the meantime, the prosecution is directed to complete the evidence.

(Dr. Anshuman, J.)

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