

GAHC010104292024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./1555/2024

MITHUN YADAV
S/O SRI RAM CHANDRA YADAV, R/O MALPUR, P.S.-CHORAH, DIST-
BEGUSARAI (BIHAR), PRESENT ADDRESS- KUMARPARA, ABHAY
CHANDRA DUTTA BY LANE, C/O MONMOHAN DAS, P.S.-BHARALUMUKH,
GUWAHATI-781009, KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR S K AGARWAL

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

05.06.2024

1. Heard learned counsel Mr. S. K. Agarwal for the petitioner, Mithun Yadav.
2. This application has been filed by the petitioner under Section 439 of the

Cr.PC with prayer for bail as he is behind bars since 13.04.2024 in connection with Bharalumukh P. S. Case No. 56/2023 under section 302/34 of the IPC.

3. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.
4. The FIR unfolds that on 26.03.2023, Ramyatan Yadav, age 35 years was killed near his place of residence, Abhayachand Gali, Kumarpara, Guwahati.
5. On 27.03.2023, Shyam Yadav called over phone in the morning and informed Rudra Yadav about the death of Ramyatan Yadav.
6. It is also mentioned in the FIR that Ramyatan Yadav had some quarrel with his contractor, Shyam Yadav, who is a strong suspect. The other suspects are Hare Ram Yadav, Ankash Kumar Yadav and Mithun Kumar Yadav.
7. After post-mortem, the body of the deceased was handed over to Lalit for funeral which was observed in Bihar.
8. I have considered the submissions at the Bar with circumspection and I have also scrutinized the Case Diary.
9. It is submitted that the body of the deceased was found lying in the place of occurrence, but the allegation against the petitioner is based on strong suspicion.
10. Investigation has progressed to a considerable extent.
11. It appears that further custodial detention of the petitioner may not

be required for progress of the investigation.

12. Final Report was submitted against the petitioners and the co-accused but when the Elaka Magistrate issued notices to the informant, the informant submitted a protest petition on the basis of which further investigation was ordered by the Magistrate.

13. During the course of further investigation, the present petitioner was arrested on 13.04.2024 and since then he is in the jail.

14. It is submitted that the petitioner is innocent. On careful scrutiny of the Case Diary, there appears to be incriminating materials against the present petitioner.

15. However, investigation has progressed to a considerable extent.

16. Further custodial detention for the progress of investigation may not be required.

17. The petitioner is therefore enlarged on bail of Rs. 50,000/- with a suitable surety of like amount to the satisfaction of the learned CJM, Kamrup (M) under the condition that;

- (i) the petitioner shall not leave the jurisdiction of the Court without prior permission.

JUDGE

Comparing Assistant