

GAHC010129032024



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

Case No. : AB/1694/2024

HARE RAM YADAV AND 2 ORS.
S/O JAHRI YADAV, R/O KABAIL, P.O.-RAJOUR, P.S.-GARAHPUR, DIST-
BEGUSARAI, BIHAR

2: SHYAM KUMAR @ SHYAM KUMAR YADAV
S/O HARE RAM YADAV
R/O KABAIL
P.O.-RAJOUR
P.S.-GARAHPUR
DIST- BEGUSARAI
BIHAR

3: ANKUSH KR. YADAV
S/O BISHUNDEV YADAV
R/O PATAHI
P.S.-CHHORAH
DIST- BEGUSARAI
BIHAR

VERSUS

STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. B K DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

29.07.2024

Heard Mr B K Das, learned counsel for the petitioners, 1) Sri Hare Ram Yadav, 2) Shri Shyam Kumar @ Shyam Kumar Yadav and 3) Sri Ankush Kr. Yadav.

2. The petitioners have filed this application under Section 438 of the Code of Criminal Procedure, 1973, with prayer for pre-arrest bail, as they are apprehending arrest in connection with Bharalumukh PS Case No. 86/2023, under Sections 302/34 of the Indian Penal Code, 1860.

3. Heard Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam/respondent.

4. I have considered the submissions at the Bar with circumspection and I have also scrutinized the Case Diary.

5. The FIR unfolds that on the night of 26.02.2024, Ramyatan Yadav was killed near his place of residence near Abhaychand Gali, Kumarpara, Guwahati and on the following morning his body was found and the Police was informed.

6. It is submitted on behalf of the petitioners that as the petitioners were residing in the same compound and they were working under the same contractor, they are apprehending arrest in connection with this case as each and every worker under the same contractor is a suspect in this case.

7. It is submitted that the prime accused Mithun Yadav has already been arrested in

connection with this case and he has been released on bail vide order dated 05.06.2024, passed by this Court in connection with Bail Application 1555/2024.

8. The merits of this case are not brought to the fore.
9. Case Diary reveals that investigation has progressed to a considerable extent. Custodial interrogation of the petitioners may not be required.
10. The petitioners are local residents and they are not flight risks.
11. I have considered the role attributed to the petitioners.
12. The petitioners have pledged to cooperate with the investigation and to abide by any stringent bail conditions, if imposed upon them.
13. Considering all aspects and in view of my foregoing discussions, petition is allowed. In the event of their arrest, the petitioners shall be enlarged on bail of Rs. 50,000/- each, with a suitable surety each of the like amount to the satisfaction of the arresting authority, under the conditions that:-

- i) the petitioners shall appear before the IO within 7 (seven) days from today and cooperate with the investigation,
- ii) the petitioners shall not leave the jurisdiction of the Court, without prior permission, and
- iii) the petitioners shall not tamper with the evidence or exercise threats to the witnesses

On breach of any of the bail conditions, the bail order of the petitioners shall automatically stand cancelled.

14. Bail Application stands disposed of.
15. Send back the Case Diary.

JUDGE

Comparing Assistant