

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1770 of 2015

Arising Out of PS.Case No. -43 Year- 2014 Thana -NARAINPUR District- BHOJPUR

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1. Bhim Yadav, Son of Nasiba Yadav.
 2. Sudhar Yadav @ Sughar Yadav, Son of Nasiba Yadav.
 3. Kaushal Yadav, son of Lalan Yadav.
 4. Pappu Yadav, son of Sudhar Yadav.
 5. Sunil Yadav, son of Kaushal Yadav.
- Resident of Village- Ahile, P.S. Narayanpur, District- Bhojpur (Bihar).
..... Petitioners.

Versus

The State of Bihar

..... Opposite Party.

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Appearance :

For the Petitioners : Mr. Manoj Kumar, Advocate.

For the State : Mr. Rita Verma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

3 04-03-2015 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners have been arrested in connection with Narayanpur P.S. Case No. 43 of 2014 registered under Sections 302, 201 and 34 of Indian Penal Code.

It is alleged that on 19.06.2014, Kaushal Yadav and Sughar Yadav took the victim and when he did not return then family members make out a search and in the meantime it is learnt that dead body of the victim was lying in the well of Sughar Yadav and on this information, informant and his father went there and saw hands and legs of the dead body tied with a towel and it is alleged that five accused persons Sughar Yadav, Bhim Yadav, Sunil Yadav, Bhola Yadav and Kaushal Yadav took out the dead body from the well and burnt by sprinkled kerosene oil. It is further alleged that before intimation given to the villagers the dead body was burnt to ash. However, in paragraph 36 of the

case diary, the statement of Sumitra Kuer recorded who claimed herself to the circumstance that she received a telephone call that accused persons burning the dead body and when the police came at the village the dead body has already been burnt.

Learned counsel for the petitioner submits that the case hinges on circumstantial evidence and has none has seen the occurrence about the murder of the victim. It is further submitted that entire occurrence happens within a short span of time for five hours. The victim abducted, killed the victim and thrown the dead body in the well and dead body taken out from the well and even burn to ash without any knowledge of the villagers.

Having regard to the facts and circumstances of the case, the above named petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand)each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhojpur, in connection with Narayanpur P. S. Case No. 43 of 2014, G.R. No. 2698 of 2014.

m.p.

(Gopal Prasad, J)

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