

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50509 of 2014

Arising Out of PS.Case No. -143 Year- 2014 Thana -PAKARIBARAWAN District- NAWADA

1. Gautam Yadav son of Late Ruplal Yadav.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.50718 of 2014

Arising Out of PS.Case No. -143 Year- 2014 Thana -PAKARIBARAWAN District- NAWADA

1. Dinesh Yadav son of Mauzi Yadav

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :
(In Cr.Misc. No.50509 of 2014)

For the Petitioner/s : Mr. Gauri Shankar Prasad

For the Opposite Party/s : Mr. Ajit Kumar (App)

(In Cr.Misc. No.50718 of 2014)

For the Petitioner/s : Mr. Birendra Kumar

For the Opposite Party/s : Mr. Upendra Kumar (APP)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

301-04-2015

Both the above stated petitions have arisen out of

Pakribarawan P.S. Case No. 143 of 2014 registered for the

offences punishable under Sections 302/34 of the Indian Penal

Code and accordingly, both the above stated petitions are being disposed of by this common order.

Heard learned counsels for the petitioners as well as learned Additional Public Prosecutor for the State. Also heard learned counsel appearing for the informant.

The above stated Pakribarawan P.S. Case No. 143 of 2014 was lodged on 24.06.2014 whereas the alleged occurrence is said to have taken place on 23.06.2014. The informant is not an eye witness of the alleged occurrence and he expressed his suspicion against the petitioner in Cr. Misc. No. 50509 of 2014 and some others due to previous land dispute.

In course of investigation when further statement of informant was recorded, he added the name of petitioner in Cr. Misc. No. 50718 of 2014.

In course of investigation, at para 33 of the case diary, the statement of one witness, namely, Shambhu Yadav who happens to be maternal uncle of deceased, Raju Kumar was recorded and the aforesaid witness claimed himself to be eye witness of the alleged occurrence. Subsequently, his statement under Section 164 of the Cr.P.C. was recorded and in the said statement, he again claimed to be eye witness of the alleged occurrence and further claimed that after the alleged occurrence he

went to the house of deceased, Raju Kumar and, thereafter, he along with others went to the place of occurrence where three dead bodies were found.

It is surprising enough that the aforesaid witness being own brother in law of the informant did not disclose about the alleged occurrence prior to ferdbeyan of the informant. Moreover, except the aforesaid witness, none has claimed to have seen the petitioners either committing the alleged occurrence or in the company of the deceased prior to the alleged occurrence.

Considering the aforesaid facts and circumstances as well as submissions of the parties, petitioner in Cr. Misc. No. 50509 of 2014, namely, Gautam Yadav is directed to 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 Sub Divisional Judicial Magistrate, Nawada in connection with Pakribarawan P.S. Case No. 143 of 2014.

Similarly, petitioner in Cr. Misc. No. 50718 of 2014, namely, Dinesh Yadav, in the event of his arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall 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 the Chief Judicial Magistrate,

Nawada in Pakribarawan P.S. Case No. 143 of 2014 subject to
condition as laid down under Section 438(2) of the Cr.P.C.



(Hemant Kumar Srivastava, J)