

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23528 of 2016

Arising Out of PS.Case No. -6 Year- 2016 Thana -CHAKAI District- JAMUI

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1. Jhaban Yadav, son of Late Bhagru Yadav.
 2. Dinesh Yadav, son of Jhaban Yadav.
 3. Umesh Yadav, Son of Lukho Yadav, all resident of Village- Mogala Tand, Police Station- Chakai, District- Jamui.
 4. Daso Yadav, Son of Late Rohan Yadav, resident of Village- Ramthadih, Police Station- Chakai, District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate
For the Opposite Party/s : Mr. Kr.Virendra Narayan (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-07-2016 Heard learned counsel for the petitioners and
learned APP for the State.

Petitioners apprehend arrest in connection with
Chakai P.S. Case No. 06/16 for offences alleged under Sections
302/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant,
is that on 21-22.01.2016 at about 01.30 A.M. petitioners brought
the son of the informant Gango Yadav in drunken condition and
said that tomorrow they will come again. On the next morning
informant found his son dead and there was wound near his neck.
Informant raised suspicion that petitioners have killed his son and

brought his dead body to his house.

It has been submitted by the learned counsel for the petitioners that they are in-laws of the deceased Gango Yadav and the deceased, who was son of the informant, was living in his sasural since 15 days. He further submits that the allegation against the petitioners are false as the deceased was brought to the informant's house in drunken condition by these petitioners themselves and only on the basis of suspicion they have been implicated. It has further been submitted that petitioners are quite innocent and only on the basis of a conspiracy petitioners have been implicated in this case. It has been submitted that Complaint Case No.113C/2016 has been filed by the wife of the deceased Babita Devi under Sections 302, 201/34 of the Indian Penal Code against the informant and his family for killing her husband Gango Yadav. It has further been submitted that the petitioners have no criminal antecedent, as is evident from paragraph 3 of this petition.

However, learned APP for the State submits that in paragraph 9 of the case diary the witnesses have supported the prosecution case and the post mortem report at paragraph 32 also says that the death was due to strangulation and, hence, opposes the prayer for bail.

Be that as it may, since the deceased was brought by the petitioners in the night and the wife of the deceased has also lodged case against the informant and his family member and the petitioners being implicated on the basis of suspicion, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Lalan Kumar, learned Judicial Magistrate 1st Class, Jamui in connection with Chakai P.S. Case No. 06/16, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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