

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50065 of 2016

Arising Out of PS.Case No. -279 Year- 2015 Thana -KUSHESHWARSTHAN District-
DARBHANGA

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1. Ghuran Yadav &
2. Ram Bilash Yadav @ Ram Bilash, both are sons of Late Laxmi Yadav,
resident of village-Chigri, Police Station-Kusheshwar Asthan, District-
Darbhanga.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Girish Chandra Jha, Advocate

For the Opposite Party : Mr. Sri Rajendra Prasad Nat, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-11-2016 Heard the learned counsel for the petitioners and the

learned APP for the State.

Petitioners are languishing in custody since
30.09.2016 in connection with Kusheshwar Asthan P.S.Case
No.279 of 2015 for offence under Sections 364, 302, 201 and 34
of the Indian Penal Code.

The prosecution case is that on 11.10.2015 at about 16
hours while Anita Devi Bhabhi of the informant was working in
his field, her son came there with water for his mother and after
some time he returned back to his house, but when Anita Devi
came to her house and did not find her son, she along with other
family members started searching. The next morning during
search the informant found the dead body of his nephew lying in a

ditch filled with water. The informant further alleged that all the FIR named accused persons killed his nephew.

It has been submitted by learned counsel for the petitioners that on the basis of suspicion due to old enmity with the petitioners along with other co-accused it has been alleged that they have killed the nephew of the informant as earlier a threatening was given by the petitioners and others. It has been submitted by the learned counsel for the petitioners that apart from suspicion and previous enmity, there is no other allegation against the petitioners. During investigation, the witnesses have stated that petitioners had called the deceased but he had refused to go and thereafter, the dead body was found in a ditch. He further submits that two other co-accused have since been granted the privilege of bail by a Coordinate Bench of this Court on similar allegation in Cr.Misc.No.12104 of 2016 on 29.03.2016.

However, learned APP for the State submits that the petitioners are named in the FIR, hence opposes the prayer for bail.

Be that as it may, since other co-accused have already been granted the privilege of bail by this Court, let the above named two petitioners 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 SDJM, Biroul, Darbhanga in connection with Kusheshwar Asthan P.S.Case No.279 of 2015.

It is directed that this grant of bail is subject to a condition that the petitioner will not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear, in the learned Court below, as may be directed.

In terms of the above observations and directions, this bail application stands allowed.

(Nilu Agrawal, J)

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