

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.62041 of 2017**

Arising Out of PS.Case No. -362 Year- 2015 Thana -BARACHATTI District- GAYA

- =====
1. Shiv Kumar Yadav, Son of Kuleshwar Yadav,
  2. Rajesh Yadav, Son of Kedar Mahto,
- Both Resident of Village- Padeya, P.S.- Barachatti, District- Gaya.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sudhir Kumar Sinha

For the Opposite Party/s : Mr. Sri Manoj Kumar - 1

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

02/ 22-12-2017

It is submitted by learned counsel for the petitioners that petitioner no. 2 Rajesh Yadav has already been arrested, hence, his application has become infructuous and accordingly, it is disposed of.

The petitioner no. 1 is apprehending his arrest in a case registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code.

The prosecution case, as per fard-beyan of the informant, is to the effect that on 01.09.2015 at 4.00 P.M. the son of the informant, Tinku Kumar went out of the house after conveying to his sister that he is going for having a shave, but he did not return till night, upon which search was made, attempts



were made to contact him on mobile phone, but it was found switched off. Thereafter, on next day missing report was lodged, but his dead body was found in Chandwa drain inside the bush. It is further alleged that one year prior to the occurrence, his wife had lodged a case against Dil Kumar Yadav and Ramesh Yadav for outraging her modesty. In the meantime, the son of Dil Kumar Yadav had been murdered, then Dil Kumar Yadav had threatened of dire consequences and due to fear the informant along with his family left the house and after 8-9 months the informant had returned back to his house, ten days prior to the lodging of the present case. It is also suspected that all the accused persons including the petitioners might have killed the son of the informant.

It is submitted by learned counsel for the petitioners that except suspicion there is nothing against the petitioners. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent and other similar situated Dil Kumar Yadav and Umesh Yadav have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 05.08.2016 passed in Cr. Misc. No. 23471 of 2016, as contained in Annexure-2.

Considering the fact that the prosecution



case is based on suspicion and a statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Sherghati at Gaya in connection with Barachatti P.S. Case No. 362 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

DKS/-

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