

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1816 of 2017

Arising Out of PS.Case No. -33 Year- 2016 Thana -DUMARIA District- GAYA

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1. Yogendra Ram Son of Autar Ram Resident of Village-Kusodi, P.S.-
Dumariya, District-gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahtab Alam

For the Opposite Party/s : Mr. Sri Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 19-01-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in
connection with Dumariya P.S. Case No. 33 of 2016 registered for
the offence punishable under Sections 302, 201 and 34 of the
Indian Penal Code.

3. Accusation is of murder of one Savitri Kumari and
the dead body has been burnt by her father and other family
members.

4. Learned counsel for the petitioner has submitted that
petitioner happens to be own brother of the deceased and has not
committed any offence. In fact, this petitioner was out of station
on the alleged date of occurrence as he was working at Delhi.



Neither the petitioner is named in the F.I.R. nor there is any specific allegation against the petitioner. As per the witnesses, the direct allegation is against one Santan Ram who killed Savitri Kumari and hanged her dead body on a tree. Merely on the ground of suspicion, the petitioner has been made accused in this case, which cannot be a ground to prove the petitioner's guilt. Moreover, co-accused, Ram Autar Ram, has already been granted regular bail by a co-ordinate Bench of this Court in Cr. Misc. No. 37269 of 2016. Hence, the petitioner deserves the privilege of anticipatory bail.

5. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000 (Ten Thousand rupees only) with two sureties of the like amount each to the satisfaction of S.D.J.M., Sherghati, Gaya in connection with Dumariya P.S. Case No. 33 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Arvind Srivastava, J)

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