

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51567 of 2017

Arising Out of P.S.Case No. -124 Year- 2017 Thana -UDWANTNAGAR District- BHOJPUR

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1. Shiv Keshwar Yadav @ Fadaru Yadav, S/o Late Chhotak Yadav.
 2. Vikrama Yadav S/o Shiv Keshwar Yadav Both are resident of Village- Akhtiarpur, P.S.- Udwanthnagar (Gajrajganj), District- Bhojpur.
- Petitioners.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

03 21-12-2017

Heard learned counsel for the petitioners and learned

APP for the State.

The petitioners seek bail in Udwanthnagar P.S. Case No. 124 of 2017 registered under Section 302 and 201/34 of the Indian Penal Code.

As per the prosecution case, the nephew of the informant, namely, Ankit Kumar alias Niraj was called by Rani Devi at her house to collect money to the tune of Rs.55,000/- and was murdered by him with the help of all the accused persons named in the F.I.R. including the petitioners and they dumped his dead body into river stuffing in the gunny bag. The dead body was recovered after seven days of the occurrence and was identified on the basis of key and attire of the deceased.

It is submitted by learned counsel for the petitioners



that allegations levelled against the petitioners are not specific rather general and omnibus in nature. There is no eye witness of the occurrence and petitioners have been falsely implicated in this case merely on suspicion as they happen to be father and brother respectively of the husband of Rani Devi, namely, Rajesh Yadav. The petitioners have been languishing in custody since 11.07.2017. The said Rani Devi and other accused persons have been granted bail by co-ordinate bench of this court in Cr. Misc. No. 53324 of 2017 vide order dated 21.11.2017.

On the other hand, learned A.P.P and learned counsel for the informant vehemently opposed the prayer for bail and submitted that all the accused persons by hatching conspiracy committed the murder of the nephew of the informant by calling him in their house on the pretext of taking money and dumped his dead body in the river.

In the facts and circumstances of the case, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Udwantnagar P.S. Case No.124 of 2017, subject to the conditions (1) bailors should be local having sufficient



- 3 -

immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Prakash Chandra Jaiswal, J)

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