

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34058 of 2019

Arising Out of PS. Case No.-397 Year-2018 Thana- BARACHATTI District- Gaya

1. BASUDEO YADAV Son of Late Rewa Yadav Resident of Village - Pakaria, P.S.- Barachatty, Dist.- Gaya.
2. Chandradeo Yadav Son of Late Rewa Yadav Resident of Village - Aaurukhap, P.S.- Barachatty, Dist.- Gaya.
3. Munarik Yadav Son of Heman Yadav Resident of Village - Aaurukhap, P.S.- Barachatty, Dist.- Gaya.
4. Ram Pravesh Yadav @ Ram Pravesh Kumar Yadav Son of Basudeo Yadav Resident of Village - Pakaria, P.S.- Barachatty, Dist.- Gaya.
5. Mukesh Yadav @ Mukesh Kumar Son of Basudeo Yadav Resident of Village - Pakaria, P.S.- Barachatty, Dist.- Gaya.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Pratap Singh
For the Opposite Party/s : Mr. Arbind Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 08-08-2019 Heard learned counsel for the petitioners, learned counsel for the informant and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Barachatty P.S. Case no.397 of 2018, registered under Sections 363, 302 & 201/34 of the Indian Penal Code.

Petitioners along with two other accused persons are said to have taken the father of the informant from the house in the night on 14.06.2018 and on the following morning the



dead body of the father of the informant was found near the well in village Bella.

Learned counsel for the petitioners submitted that no such occurrence as alleged ever took place. They have no concern with the aforesaid occurrence. The petitioners are quite innocent and have been falsely implicated in this case due to property dispute as they happen to be step brothers and nephews of the deceased. Eye witnesses, namely, Chandradeep Yadav and Umesh Yadav in the supplementary case diary have stated that the deceased died by falling from the toddy tree and they have not named the petitioners in the occurrence. Hence, they may be enlarged on bail.

Per contra, learned counsel for the informant and learned APP for the State vehemently opposing the bail petition submitted that the petitioners along with other accused persons forcibly taken the father of the informant and on the following morning the dead body of the father of the informant was found. Thus, the petitioners were last seen with the deceased and there is animosity between the parties due to land dispute. Though the witnesses, Chandradeep Yadav and Umesh Yadav have divulged about the death of the deceased by falling from the toddy tree but the said statements have been recorded after seven months of the



occurrence. Hence, the petitioners do not deserve bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected. However, the petitioners are directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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