

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48063 of 2019**

Arising Out of PS. Case No.-404 Year-2018 Thana- DINARA District- Rohtas

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MULAYAM YADAV @ SURAJ KUMAR SINGH Son of Nand Jee Singh @  
Nandji Singh Resident of Village - Ghasa, P.S.- Dinara (Bhanas), District -  
Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Babu Nandan Prasad

For the Opposite Party/s : Mr. Nitya Nand Tiwary

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

ORAL ORDER

4      20-11-2019                      Heard Mr. Baxi S.R.P. Sinha, learned senior  
  
counsel for the petitioner, Mr. Ajay Kumar Singh, learned  
  
counsel for the informant and Mr. Md. Aslam Ansari, APP for  
  
the State.

The petitioner seeks bail in anticipation of his  
  
arrest in connection with Dinara (Bhanas) P. S. Case No.  
  
404 of 2018, dated 16.10.2018 instituted for the offences  
  
under Sections 147, 148, 149, 323, 379, 307, 504 and 34



of the Indian Penal Code.

It has been stated that initially the case was registered under Section 307 of the Indian Penal Code but after the death of one Sunil Kumar after a week of the occurrence, Section 302 I.P.C. was added.

From the allegation, it appears that the informant along with Sunil Kumar had gone to market on motor-cycle and while on way back home, he and the deceased were surrounded by about 8-9 persons, who all assaulted the informant and others. With the timely arrival of the villagers, the informant can be saved. However, by that time, Sunil Kumar was seriously injured. Villagers only informed that petitioners and many others had conspired and had planned to killed the deceased because of an old dispute which had taken place at some other place. One of the accused persons, namely Piyush Kumar was arrested shortly, who gave his confession before the police in which the background enmity was noted. Though he has named the petitioner in his confessional statement but has not attributed any specific overt act to him. Even if he had, it



has been urged on behalf of the petitioner, it would only be a confession of a co-accused which may not have the probative value of evidence. Apart from this, there is no other material to connect the petitioner with the offence. None of the villagers have come forward before the investigating agency to take the name of the petitioner or for that matter any other accused persons. Thus, the accusation against the petitioner is based mainly on suspicion. It has also not been stated in the F.I.R. as to which villager named all the accused persons including the petitioner as having assaulted the deceased.

The petitioner does not have any criminal antecedents.

For the aforementioned facts, the petition for anticipatory bail is allowed.

The petitioner, above-named, is directed to be released on bail, 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, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Bikramganj, Rohtas at Sasaram in connection with Dinara (Bhanas) P. S. Case No. 404 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

**(Ashutosh Kumar, J)**

skm/-

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