

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71731 of 2018

Arising Out of PS. Case No.-117 Year-2018 Thana- PIRO District- Bhojpur

Hare Ram Yadav Son of Late Gariba Singh, resident of Village- Sukharauli,
P.S. Piro (Hasan Bazar), District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta
For the Opposite Party/s : Mr.Sri Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 09-01-2019 Heard the learned counsel for the petitioner and
the State.

The petitioner seeks bail in anticipation of his arrest in connection with Piro P.S. Case No. 117 of 2018 dated 07.04.2018 instituted for the offences under Section 364 of the Indian Penal Code, but later, with the recovery of the dead body of the husband of the informant, Sections 302, 201 and 120(B) of the IPC was also added.

The wife of the deceased alleged in the FIR that Binod Singh and Kameshwar Singh who are the friends of her husband, had come to her house and had taken away her husband for the purposes of taking help from him for purchase of cattle. After about two days, when the husband of the informant did not return, the



informant sent her son to ascertain the whereabouts of her husband. The informant could gather that the aforesaid two friends of the petitioner viz. Binod Singh and Kameshwar Singh were not coming up with correct facts.

From the case diary, it appears that the dead body was recovered and was identified by the informant. Thereafter, the informant is said to have made a statement before the police alleging that there was a feast of rice and fish in the village where the husband of the informant had been brought by aforesaid Binod Singh and Kameshwar Singh. Thereafter, for the purposes of settling some dispute, the husband of the informant was made to sit in the car of one Sabha Yadav and taken to some unknown destination. When the informant lodged the case against aforesaid Binod Singh and Kameshwar Singh, the husband of the informant was killed in order to screen the offence.

In this connection, the informant is said to have stated before the police that her late husband had some dispute with the petitioner also who, in the past, had threatened that he would kill him. On the basis of the aforesaid statement made by the wife of the deceased, the petitioner is sought to be prosecuted in the present case. The source of information to the informant has not



been disclosed by her when she made that statement before the police. The case diary does not refer to any positive statement by anyone of the witnesses with respect to the participation of the petitioner in the offence.

Considering the aforesaid facts as also taking into account that the implication of the petitioner is only on the basis of suspicion expressed by the informant, the petitioner 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 Chief Judicial Magistrate, Bhojpur at Ara in connection with Piro P.S. Case No. 117 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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