

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16162 of 2020

Arising Out of PS. Case No.-637 Year-2019 Thana- KAHALGAON District- Bhagalpur

ARJUN YADAV Son of Late Sardhi Yadav Resident of Village -
Mahadewapur, P.S.- Sanhaura, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rana Vikram Singh

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 03-06-2020 Heard learned counsel for the parties.

2.This application for regular bail arises out of Kahalgaon (Ghogha) P.S. Case No. 637 of 2019, disclosing offences punishable under Sections 302 and 201 of the Indian Penal Code.

It is alleged in the First Information Report that on 13.09.2019, the informant's husband had gone with the petitioner to certain place. The informant's husband did not return till late in the evening, whereafter, she inquired about him from the petitioner's wife. Subsequently the dead body of the informant's husband was found floating in a water body. It is the case of the prosecution as disclosed in the First Information Report that since the deceased had gone with the petitioner, he



might have killed the deceased.

For the occurrence which had allegedly taken place on 13.09.2019, FIR was registered on 16.09.2019.

The petitioner is in custody since 24.09.2019. It is submitted on behalf of the petitioner that the police upon completion of investigation submitted final report on 15.12.2019 finding the case to be a mistake of fact. Despite the said report, the Court below, differing with the final report has taken cognizance and proceeded against the petitioner.

Considering the fact that the FIR came to be registered three days after the death of the deceased and the police are said to have submitted final report holding the case to be a mistake of fact, this application is allowed.

Let the petitioner above-named be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in Kahagaon (Ghogha) P.S. Case No. 637 of 2019.

(Chakradhari Sharan Singh, J)

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