

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20717 of 2020

Arising Out of PS. Case No.-166 Year-2019 Thana- KISHUNPUR District- Supaul

1. Surya Narayan Yadav Son of Late Mishri Lal Prasad Yadav, Resident of Village - Phulwariya, Ward No.11, P.S.- Kishanpur, Distt.- Supaul.
2. Rajesh Kumar Son of Sri Sukhdeo Prasad Yadav, Resident of Village - Phulwariya, Ward No.11, P.S.- Kishanpur, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrit Abhijat

For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

7 05-12-2020 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the informant through Video Conferencing.

In this case, the petitioners are seeking regular bail in connection with Kishanpur P.S. Case No. 166 of 2019 registered for offence punishable under sections 302, 147, 148, 149 and 120(B) of the Indian Penal Code.

Allegation has been made that on the same day, three FIR have been lodged, one case is related to Kishanpur P.S. Case No. 165 of 2019 which has been lodged by the petitioner no. 1 with respect to killing his daughter Labli Kumari by Smit Kumar. Another case i.e. Kishanpur P.S. Case No. 166 of 2019 has been lodged by Sri Kamal Kumar Bharti, uncle of the deceased with



respect to killing Smit Kumar by the present petitioner and other co-accused persons and third case has been lodged by the police vide Kishanpur P.S. Case No. 167 of 2019 arising out of the same incident and it is separate with Kishanpur P.S. Case No. 165 of 2019 is related to death of Labli Kumari by Smit Kumar (deceased).

From the case diary it appears that both had fallen in love and in paragraph 30 of the CDR it reflects the call details of Smit Kumar and Labli Kumari which shows that they were in love relation and they used to talk time to time for a long time and on the fateful day also there was talk between Labli Kumari and Smit Kumar.

Learned counsel for the petitioner submits that out of 8, 6 persons have been granted bail and Manju Devi, who is wife of the present petitioner, has been granted anticipatory bail in Cr. Misc. No. 65346 of 2019, Satrugan Yadav has been granted regular bail in Cr. Misc. No. 25389 of 2020 and Baidyanath Kumar has been granted bail in Cr. Misc. No. 27285 of 2020 and an order has been attached as Annexure-4 is related to grant of regular bail to Rupesh Kumar, Akhilesh Kumar and Ajit Yadav in Cr. Misc. No. 1937 of 2020.

Looking to the entirety of the fact, let the above named petitioners be released on bail on furnishing bail bonds of



Rs.10,000/- each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate Supaul in connection with Kishanpur P.S. Case No. 166 of 2019, subject to the condition that one of the bailors of the petitioners shall be a close relative. The petitioners will not induce any witness or tamper with the evidence. The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court. In case of failure on two consecutive dates without any proper reason, the prosecution will be at liberty to make a prayer before the court below for cancellation of the bail of the petitioners.

However, all the cases should be proceeded with side by side to avoid any conflict of the judgment.

With this observation and direction, this bail application is allowed.

(Shivaji Pandey, J)

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