

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23065 of 2020

Arising Out of PS. Case No.-107 Year-2019 Thana- KAUWAKOL District- Nawada

1. Nawal Yadav, Male, aged about 55 years, Son of Govind Yadav, Resident of Village- Madhurapur, P.S.- Kawakole, District- Nawada.
2. Ramautar Yadav, Male, aged about 30 years, Son of Munshi Yadav, Resident of Village- Madhurapur, P.S.- Kawakole, District- Nawada.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Birendra Kumar, Advocate.
For the Opposite Party : Mr. Rajesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-09-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 328 and 304/34 of the I.P.C.



The prosecution story, in brief, is that the marriage of deceased Kapil Yadav was performed ten years ago but his wife left him away and there is no issue and due to which the informant kept the deceased with him and the deceased used to work of grazing cattle. The informant has also stated that her husband lives out of village. The deceased came to his village after two months and in the night at 10.00 P.M., villagers Nawal Yadav (petitioner no. 1), Ramautar Yadav (petitioner no. 2), and co-accused Kewal Yadav caught the deceased and feeded/catered something and after that the deceased came to house and fell down disclosing the name of aforesaid three persons and after that the deceased died.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The names of the petitioners have transpired in the present case merely on the basis of suspicion. Except for suspicion, there is no substantive evidence to suggest the implication of the petitioners in the present case. There is no eye witness to the alleged occurrence.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.



Considering the facts and circumstances of the case, the petitioners above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- Ist, Nawada, in connection with Kawakole P.S. Case No. 107/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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