

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 50924 of 2019

Arising out of PS Case No.-121 Year-2019 Thana-Darbhangha Sadar District-Darbhangha

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1. Kailash Yadav, aged about 48 years, male, Son of Shiva Nand Yadav @ Late Shivnandan Yadav, R/o Village-Chandi (Chouri), P.S.-Bahadurpur, District-Darbhangha.

.....Petitioner/s

Versus

The State of Bihar

.....Opposite Party/s

WITH

Criminal Miscellaneous No. 54180 of 2019

Arising out of PS Case No.-121 Year-2019 Thana-Darbhangha Sadar District-Darbhangha

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Shivam Yadav @ Shyam Kishore Yadav, male, aged about 42 years, Son of Yogeshwar Yadav @ Jageshwar Yadav, R/o Village-Chandi Ojhaul, Ward No. 15, P.S.-Bahadurpur, District-Darbhangha (Bihar).

.....Petitioner/s

Versus

The State of Bihar

.....Opposite Party/s

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Appearance:



(In Cr. Misc. No. 50924 of 2019)

For the Petitioner/s : Mr. Vinay Kumar Mishra, Adv.

For the State : Mr. Ram Bilash Roy Raman, APP

(In Cr. Misc. No. 54180 of 2019)

For the Petitioner/s : Mr. Vinay Kumar Mishra, Adv.

For the State : Ms. Rina Sinha, APP

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CORAM : HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

06/- 03.09.2020

Both the bail applications have been heard together and are being disposed off by this common order.

Heard Mr. Vinay Kumar Mishra, learned Advocate for the petitioners in both the cases. The State is represented by Mr. Ram Bilash Roy Raman and Ms. Rina Sinha, learned Addl. Public Prosecutors respectively in Cr. Misc. Nos. 50924 of 2019 and 54180 of 2019.

The petitioners seek bail in anticipation of their arrest in connection with Darbhanga Sadar P.S. Case No. 121 of 2019,



dated 29.03.2019, instituted for the offences under Sections 302, 201(B) and 34 of the Indian Penal Code.

The son of the informant was found to have been murdered. He was asked to come out of the house by one Guddu Paswan for the purposes of being shown a piece of land for purchase. Later, the informant claims to have seen the petitioners along with others in the company of the deceased going towards some distance. When the son of the informant and his friend did not return, a search was made and their dead-bodies were found beneath the mud. The genitals of the son of the informant had been cut. A suspicion, therefore, was raised on the petitioners and others by the informant. The motive alleged is that perhaps because of some dispute with respect to sale and purchase of land, the occurrence has taken place.

Learned counsel for the petitioners has submitted that but for the petitioners having been last seen with the deceased, there is no other material to connect them with the offence. The witnesses, who have spoken before the police during the course of in

only reported what the informant



had to say in his First Information Report. There is no eye-witness to the occurrence. With respect to the petitioners, except for the fact that they were seen along with others going towards a particular direction along with the deceased persons, no motive has been assigned for them to have killed the deceased persons.

One of the similarly situated accused persons has been granted anticipatory bail by a Bench of this Court in Cr. Misc. No. 48231 of 2019 on 16.11.2019. The petitioners also have been granted interim reprieve by a Bench of this Court.

Considering the aforesaid cases on the grounds of parity, the petitioners above-named, in the event of their arrest/surrender before the Court below within a period of eight weeks from today, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection Darbhanga Sadar P.S. Case No. 121 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



However, it is clarified that the petitioners shall participate in the investigation and any attempt on their part to avoid the investigative process shall render their bail liable to be cancelled. If at all it is found that the petitioners are trying to tamper with the evidence, that would also render the bail granted to them liable to be cancelled. In case charge-sheet is submitted against the petitioners and cognizance is taken, the petitioners shall not do anything to delay the disposal of the trial. Any attempt by the petitioners in that direction shall be viewed adversely.

With the aforesaid observation/direction, both the applications stand disposed off. .

(Ashutosh Kumar, J.)

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