

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23601 of 2020

Arising Out of PS. Case No.-481 Year-2019 Thana- GAYA MUFASIL District- Gaya

1. LAKHAN YADAV @ RAM LAKHAN YADAV Son of Raghu Yadav
Resident of Village - Tapsi, P.S.- Mufassil, District - Gaya
2. Chandra Mani Yadav @ Chandra Mani Kumar Son of Jagat Narayan Prasad
@ Jagat Narayan Yadav Resident of Village - Bandi Maniyara, P.S.-
Nimchak Bathani, District - Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 27-01-2021 Although affidavit on behalf the Station House Officer has not been filed but Mr. Fahimuddin, learned A.P.P. has stated on instruction that it disclosed that the then I.O. had retired and there was nobody Incharge, recently on 12th of January, 2021 Incharge has taken charge of the police station, therefore, the submission of learned counsel for the petitioners on the last date was correct.

Although in the office report it is stated that the case diary and post-mortem report have not been received but learned A.P.P. has informed that he has received the case diary and post-mortem report and the daily progress report.

Heard learned counsel for the petitioners and Mr. Md. Fahimuddin, learned APP for the State.

The petitioners, in the present case, are seeking pre-



arrest bail in connection with Mufassil P.S. Case No. 481 of 2019 registered for the offences punishable under Sections 302, 201, 120B, 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioner has been made accused in this case on mere suspicion. As per First Information Report, the informant has a land dispute with one Suresh Yadav who happened to be his agnate and said Suresh Yadav had threatened the informant that if he would not enter into a compromise in the matter. It is alleged that said Suresh Yadav is of criminal nature and had gone to jail number of times. It is further alleged that on the occasion of Gobardhan Puja the father of the informant was threatened of murder and one Manoj Yadav had heard the threatening. It is alleged that when the informant started looking for his father Kapil Yadav, he could not be traced out and in the morning his dead body was found in a Khadan (mines). After cremation of the dead body the present F.I.R. was lodged.

Learned counsel for the petitioners submits that the petitioners have no concern with the said Suresh Yadav. In course of investigation no witness has come forward to say that the father of the informant was ever seen with the petitioners and the post mortem report only discloses that he died of drowning. Learned counsel for the petitioner submits that the F.I.R. has been lodged



one day after the cremation of the dead body on mere suspicion.

Mr. Md. Fahimuddin, learned A.P.P. for the State has gone through the case diary. Learned A.P.P. has submitted before this Court that in course of investigation except the suspicion no material has been collected by the Investigating Officer and the post-mortem report shows death due to drowning. No other injury has been found on the dead body.

Having regard to the facts and circumstances of the case, in the nature of materials placed before this Court showing that the F.I.R. was lodged one day after the cremation of the dead body, the post mortem report shows death due to drowning and there is no witness to support the allegations against the petitioners, let the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Muffasil P.S. Case No. 481 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;



(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

