

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30027 of 2020

Arising Out of PS. Case No.-126 Year-2019 Thana- PASRAHA District- Khagaria

1. PANKAJ YADAV S/o Late Harilal Yadav Resident of Village-Yadubansh Nagar, Bharatkhand, P.S.-Parbatta, District-Khagaria.
2. Pawan Yadav S/o Late Harilal Yadav Resident of Village-Yadubansh Nagar, Bharatkhand, P.S.-Parbatta, District-Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh, Adv.

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 29-01-2021 Heard the learned counsel for the petitioners and Ms. Anita Kumari Singh, the learned APP appearing for the State.

This is an application for grant of anticipatory bail in connection with Pasraha P.S. Case No. 126 of 2019 registered for the offence punishable under Sections 363/365 of the Indian Penal Code and later on, Section 364 of the Indian Penal Code was added.

The prosecution story, in brief, is that on 26.09.2019 at about 3.00 O'clock, the husband of the informant Binnu Yadav went to his field for



sprinkling Urea. After doing the same, he cut the grass and kept it on his Bicycle, gave a sack of kheri to his daughter and told her to go to the house from the short route and further told her that he will come through the road with grass but till date he did not return to his house.

The learned counsel for the petitioners has submitted that the petitioners are innocent and they have been falsely implicated in the present case. The learned counsel for the petitioners has further submitted that the petitioners have not been named in the FIR and their name has transpired in the present case during the course of investigation, merely on the basis of suspicion. It is further submitted that there is no allegation regarding the petitioners having killed the deceased, which would be apparent from the investigation carried out by the police. Lastly, it is submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by a coordinate Bench of this Court vide order dated 28.08.2020 passed in



Criminal Miscellaneous No. 14020 of 2020.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the parity of the case of the petitioners with that of the co-accused persons, who have already been granted the privilege of anticipatory bail by a coordinate Bench of this Court, apart from the fact that the petitioners are not named in the FIR and their name has transpired during the course of the investigation merely upon suspicion, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten



thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Khagaria in connection with Pasraha P.S.Case No. 126 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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