

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31881 of 2020

Arising Out of PS. Case No.-202 Year-2019 Thana- VIJAYEPUR District- Gopalganj

1. Suresh Yadav Son of Dhenudhari Yadav Resident of Village - Chainpur Tola, Sheetalpur, P.S.- Vijayeeupur, District - Gopalganj.
2. Heera Yadav @ Heeralal Yadav Son of Uttim Yadav Resident of Village - Chainpur Tola, Sheetalpur, P.S.- Vijayeeupur, District - Gopalganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Amit Shrivastava, Adv.
		Mr. Girish Pandey, Adv.
For the Opposite Party/s	:	Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 19-01-2021 Heard Mr. Amit Shrivastava, learned counsel for the petitioner and Mr. Shantanu Kumar, learned Additional Public Prosecutor for the State.

The petitioners seek bail in connection with Vijayeeupur P.S. Case No. 202 of 2019 registered for the offence punishable under Section 302 read with 34 of the Indian Penal Code.

As per the prosecution case, the petitioners along with three other accused persons are alleged to have called the husband of the informant Ram Lal and took him to some unknown destination. Since Ram Lal did not return after a considerable period, the informant started searching for him. She first went to the house of Triveni Gond and asked from him



about her husband. He got enraged and told her that her husband might have died. She became nervous and went to the house of Hira Yadav and asked about her husband, who told her to search him towards Chaki. When she went towards Chaki, she found that the body of her husband was hanging on a Pakar tree with *gamchha* tied around his neck.

Mr. Amit Shrivastava, learned counsel for the petitioners submits that the petitioners are cousin brothers and at the time of occurrence, they were not present at the place of occurrence. During investigation, it was revealed that the son of the informant Ajay Ram was having affair with the daughter of Triveni Gond, a co-accused. As far as the petitioners are concerned, no motive can be attributed against them as they are not connected in any manner with Triveni Gond. He contended that it has also come in the case diary that the petitioners had participated in the panchayati when a complaint was lodged by Triveni Gond in respect of ongoing affair between his daughter and the son of the deceased.

On the other hand, learned counsel appearing for the State submitted that there is no eye-witness to the occurrence of murder. The only material which has come against the petitioners is that they had come together with Triveni Gond to



the house of the informant and others and called her husband from his house. He further contended that the affair going on between the daughter of Triveni Gond and son of the deceased finds mention in the case diary. He admits that and it has come in the case diary that the petitioners had also participated in the panchayati relating to dispute between Triveni Gond and son of the informant.

Considering the totality of the facts and circumstances of the case, since the investigation is complete and there is no eye-witness to the occurrence as also the statement made in para 3 of the application that the petitioners have no criminal antecedent, they are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-15th, Gopalganj in connection with Vijayee pur P.S. Case No. 202 of 2019.

(Ashwani Kumar Singh, J)

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