

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36046 of 2020

Arising Out of PS. Case No.-325 Year-2020 Thana- RAJAOLI District- Nawada

RAMSWAROOP PRASAD YADAV@ RAMSWAROOP YADAV, son of
Late Shukar Yadav Resident of Village- Simarkol, P.S.- Rajauli, District-
Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Nayan

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 24-05-2021 Heard Mr. Rajeev Nayan, learned counsel for

the petitioner and Mr. Md. Aslam Ansari, learned APP for

the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Rajauli P. S. Case No. 325 of

2020, dated 18.07.2020, instituted for the offences

under Sections 302 and 34 of the Indian Penal Code.

The son of the informant had proceeded for a

business work and while coming back, he informed his

father on telephone that he is at the outskirts of his

home. Shortly thereafter, the son of the informant again



called up his father and told him that he has been injured because of beating and he requires immediate treatment. On such information, the informant and one Mangaru, whose statement has been recorded in paragraph 4 of the case-diary, reached the place and found the victim / deceased lying in a pool of blood. He was seriously injured. He is said to have told his father (informant) and his associate, namely, Mangru that he has been assaulted. He was taken for treatment to a hospital where he died.

The learned counsel for the petitioner has submitted that the petitioner, no doubt, accompanied the deceased as a driver of the pick-up van but there was no motive for killing the deceased. Had the petitioner taken part in the occurrence of assault on the deceased, the deceased would surely have made it known to his father when he had said that he had received beating and that he requires medical attention. When the associate of the informant, namely, Mangru had visited the place where



the deceased was lying injured, he also heard the deceased say about the occurrence but he has also not recounted that the name of the petitioner was taken by the deceased shortly before his death.

On the question put by the Bench regarding the whereabouts of the petitioner when this occurrence took place, the learned counsel for the petitioner submits that the deceased expressed his intention to get down from the vehicle at an earlier destination which was allowed by the petitioner and, therefore, the petitioner did not have any idea that the victim was done to death in some transaction.

Assuming but not admitting the aforesaid ground to be true, this Court finds that merely because the petitioner has not shown up for his explanation would not make him liable for being prosecuted for murder.

The learned counsel for the petitioner submits that there is no reason for the petitioner to have tried to



harm the deceased and there is no evidence whatsoever also of the deceased having been divested of his personal belongings. There is no past history as well between the deceased and the petitioner.

Considering these aspects of the matter, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada, in connection with Rajauli P. S. Case No. 325 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

However, this Court cautions that in case the petitioner does not cooperate in the investigation if the investigation still continuing, the Investigating Officer of this case would be at liberty to approach the court below



for cancellation of his bail and in that event the court below shall immediately proceed for cancellation of the bail of the petitioner after noticing him.

This application stands disposed off accordingly.

(Ashutosh Kumar, J)

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