

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2115 of 2021

Arising Out of PS. Case No.-74 Year-2019 Thana- PANCHRUKHI District- Siwan

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1. Ganesh Yadav, aged about 65 years, male, S/o Late Ramdeo Yadav
 2. Upendra Yadav, aged about 39 years, male, S/o Ganesh Yadav
- Both are R/o village- Mandrauli, P.S.- Pachrukhi (M.H. Nagar), District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv.
For the Informant	:	Mr. Sandeep Kumar, Adv.
For the State	:	Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 03-03-2021 Heard Mr. Krishna Prasad Singh, learned Senior Advocate for the petitioners and Mr. Sandeep Kumar, learned counsel for the informant. The State is represented by Mr. Narendra Kumar Singh, learned APP.

The petitioners seek bail in connection with Pachrukhi (M.H. Nagar) P.S. Case No. 74 of 2019, dated 23.03.2019, instituted for the offences under Sections 302,



201, 120 and 34 of the Indian Penal Code.

The prayer for bail of the petitioners was earlier rejected *vide* order dated 25.09.2019 passed in Cr. Misc. No. 47962 of 2019. While rejecting the prayer for bail of the petitioners on earlier occasion, this Court had granted them the liberty to approach this Court again if there is no substantial progress in the case.

The learned Advocate for the petitioners has submitted that there has not been any substantial progress in the case so far.

Based on the aforesaid submission, this Court had, on 19.01.2021, called for a report from the Court below about the stage of the case.

The report, kept at Flag-A, indicates that the charges in this case have been framed on 19.01.2021 and up-till the date of sending of the report, no witness had been examined.

The learned Advocate for the petitioners, therefore, submits that there is no likelihood of the trial being concluded in near future.



As opposed to the aforesaid contention, Mr. Sandeep Kumar, learned counsel for the informant has informed this Court that the bail application of one of the co-accused persons of this case, namely, Ashok Yadav has been rejected by a Bench of this Court on 23.06.2020. He further submits that this is a case of honour-killing and, therefore, only on the ground of the trial not having been concluded up-till-now, the prayer made on behalf of the petitioners ought not to be allowed.

The petitioners are the uncles of one Priyanka Kumari whose paramour is said to have been kidnapped and killed. The son of the informant had developed some liaison with aforesaid Priyanka Kumari, which was not to the liking of her parents and other relatives. The informant had filed this case on the information given by aforesaid Priyanka Kumari to one of her relatives that the deceased (the son of the informant) was being assaulted at the house of the maternal grandfather of Priyanka Kumari.

The learned Advocate for the petitioners has submitted that because they are related to Priyanka Kumari,



therefore a suspicion has been raised that they too might have taken part in the assault leading to the death of the deceased. There is no eye-witness to the occurrence and so far as the communication by Priyanka Kumari to one of her relatives is concerned, that only discloses that the deceased had been caught by the villagers and had been assaulted by them. The possibility of the petitioners' implication in this case only because of their being related to aforesaid Priyanka Kumari, cannot be completely ruled out.

In view of the aforesaid facts coupled with the observation given by this Court on 25.09.2019 to approach this Court again for grant of bail in case there is no substantial progress in the trial and the fact that only recently charges have been framed, this Court is inclined to release the petitioners on bail during the pendency of the trial, subject to certain conditions.

The petitioner Nos. 1 and 2/Ganesh Yadav and Upendra Yadav 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 Sessions Judge, Siwan in connection with Pachrukhi (M.H. Nagar) P.S. Case No. 74 of 2019, subject to the following conditions:

(i) that one of the bailors shall be a close relative of the petitioners;

(ii) that the petitioners shall, at the time of furnishing their bonds, give their mobile telephone numbers as well as the mobile telephone numbers of their bailors, which telephone numbers shall be kept in operative condition till the conclusion of the trial;

(iii) that the petitioners shall not leave the territorial confines of the Court which is trying the offence, without the consent of the Trial Court sought in advance; and

(iv) that the petitioners shall also get their presence marked before the Officer-in-Charge of the concerned police station on the first Monday of each month. The Officer-in-Charge of the concerned police station is directed not to detain the petitioners in the police station unnecessarily.



With the aforesaid observation/direction, the
application stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

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