

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37616 of 2020

Arising Out of PS. Case No.-212 Year-2020 Thana- BARHARA District- Bhojpur

1. Rakesh Kumar, aged about 23 years, (Male), Son of Ram Babu Yadav Resident of Village- Saraiya, P.S.- Barahara, Distt- Bhojpur.
2. Kamaldeo Yadav, aged about 35 years, (Male) Son of Bhola Yadav Resident of Village- Saraiya, P.S.- Barahara, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sheo Jee Mishra, Advocate
for the State	:	Mr. Upendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 08-02-2021

Heard Mr. Sheo Jee Mishra, learned counsel for the petitioners and Mr. Upendra Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioners are in custody in connection with Barhara PS Case No. 212 of 2020 dated 31.05.2020, instituted under Sections 302/201/34 of the Indian Penal Code.

3. The allegation against the petitioners is that they had killed the brother of the informant along with two other named persons.

4. Learned counsel for the petitioners submitted that the case is totally false and concocted. It was submitted that the parties are agnates having land dispute. Learned counsel submitted that as per the allegation the deceased brother of the informant had left the house on 30.05.2020 and his body was



recovered on 31.05.2020 and after post-mortem, the FIR was lodged in the present case. However, it was submitted that more surprisingly on 31.05.2020 itself, after the present case, another case was lodged by the informant in which it is alleged that the said deceased brother was beaten up by the same four accused, including the petitioners, on 26.05.2020. Learned counsel submitted that after lodging of the present case, to create a record the second case has been instituted, both being false. Learned counsel submitted that in the second case also the only allegation is that the petitioners and two others had beaten up the deceased. It was submitted that the deceased was of light mind and used to go away from his house and something might have happened for which the petitioners are not responsible. It was submitted that besides the present case and the other case, there is no other criminal antecedent against the petitioners and they are in custody since 17.08.2020.

5. Learned APP submitted that the allegation against the petitioners and two other co-accused is of killing the brother of the informant.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs.



25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in Barhara PS Case No. 212 of 2020, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall also give an undertaking to the Court that they shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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