

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40954 of 2020

Arising Out of PS. Case No.-168 Year-2020 Thana- MADHUBAN District- East Champaran

Arun Kumar Yadav S/O Satydeo Yadav Resident Of Village- Banjaria, P.S
Madhuban, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Asif Kalim, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 28-10-2021 Heard Shri Asif Kalim, learned counsel for the

petitioner and Shri Raj Ballabh Singh, learned A.P.P. for the

State.

The petitioner is seeking anticipatory bail in
connection with Madhuban P.S. Case No. 168 of 2020 instituted
for the offences under Sections 302, 120(B) and 34 of the Indian
Penal Code.

Learned counsel for the petitioner submits that from
bare perusal of the allegations as alleged in the F.I.R. it would
manifest that the son of the informant was killed and his dead
body was found hanging from a tree in a field, the informant
suspected the hands of the petitioner and other with whom she
was not on cordial terms. It has been further submitted by the
learned counsel for the petitioner that the deceased and his



family members were encroacher of public land and the same was being objected by the petitioner and others for which one Jitendra Rai had given application to various authorities and when the deceased died, the informant taking advantage of the previous dispute, implicated the petitioner and others based on suspicion.

The learned counsel for the petitioner submits that petitioner is a person with clean antecedent. It is further submitted that during the course of investigation, Ram Pravesh Rai and Birendra Sahni in their statement under Section 161 Cr.P.C. have stated that they had seen the accused persons including the petitioner going towards the direction where the dead body was found hanging from a tree. The aforesaid two witnesses have also stated that when the petitioner and others were confronted, they disclosed that that they were going to have their fields ploughed by tractor. There was no sign of nervousness on the petitioner.

Learned counsel for the petitioner further submits that similarly situated co-accused Chandan Kumar @ Chandan Kumar Chaudhary has been granted anticipatory bail vide order dated 10.8.2021 in Cr. Misc. No. 39203 of 2020, similarly Chhotu Kumar Yadav has been granted anticipatory bail vide



order dated 23.09.2021 in Cr. Misc. No. 3815 of 2021 and Moti Lal Yadav @ Moti Lal Rai has been granted anticipatory bail vide order dated 27.08.2021 in Cr. Misc. No. 8736 of 2021.

The learned A.P.P. for the State was not able to dispute nor was able to differentiate the case of the present petitioner with the aforesaid three accused who have been granted anticipatory bail by this Court.

Considering the facts and circumstances of the case in it's totality, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of ten weeks, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Motihari, East Champaran in connection with Madhuban P.S. Case No. 168 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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