

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2676 of 2021

Arising Out of PS. Case No.-5 Year-2020 Thana- ROSHANGANJ District- Gaya

1. DHANANJAY YADAV @ DHANANJAY KUMAR YADAV SON OF BIRENDRA YADAV Resident Of Village - Chandpur, P. S. - Raushanganj, District - Gaya.
2. BIRENDRA YADAV @ VIRENDRA YADAV SON OF LATE JAGDEV YADAV Resident Of Village - Chandpur, P. S. - Raushanganj, District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailesh Kumar, Adv.
For the Informant	:	Mr. Gajendra Kr. Singh, Adv.
For the State	:	Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 25-03-2021 Heard Mr. Shailesh Kumar, learned counsel for the petitioners, Mr. Gajendra Kumar Singh, learned counsel appearing for informant and Mr. Nawal Kishore Prasad, Additional Public Prosecutor for the State.

2. Petitioners seek regular bail in connection with Raushanganj PS Case No. 05/2020 registered for the offence punishable under Sections 302, 201, 120(B)/34 of the IPC.

3. The allegation, as per First Information Report, is that accused persons including these two petitioners did not allow the informant to cook food and when an objection was raised by the husband (deceased) of the informant, the



petitioners along with other accused persons assaulted, strangled and ultimately, killed him and cremated the dead body with the help of villagers in order to conceal the evidence.

4. Learned counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and they have falsely been implicated in this case due to family dispute regarding property and petitioner no.1 is elder brother and petitioner no.2 is the father of the deceased. Learned counsel further submits that during course of investigation some of the witnesses, who are closely related to the informant, have supported the prosecution case but none of the co-villagers has been examined by the police and no independent witness has come forward to support the prosecution story.

5. Learned counsel also submits that mother, married sister and sister-in-law of the deceased have been granted bail by a Bench of this Court vide Cr. Misc. No. 19613/2020 and the petitioners are in custody since 17.02.2020.

6. On the other hand, learned counsel appearing for informant and State vehemently opposed the prayer for bail of the petitioners and submit that there is allegation against the petitioners and others of assault and strangle the husband of



the informant and the bail was granted to the other co-accused persons on the ground that they were ladies and as such, petitioners cannot claim parity with them.

7. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that similarly situated co-accused persons have been granted bail by a Bench of this Court and petitioners are in custody since 17.02.2020, I am inclined to grant regular bail to the petitioners.

8. Accordingly, let the petitioners, named above, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Raushanganj PS Case No. 05/2020.

9. It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines of social distancing.

(Anil Kumar Sinha, J)

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