

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40926 of 2020

Arising Out of PS. Case No.-244 Year-2020 Thana- KUCHAIKOTE District- Gopalganj

1. Sachin Yadav Son of Mogal Yadav @ Mugal Yadav Resident of Village - Bangal Khand, P.S. - Kuchaikote, District - Gopalganj, Bihar.
2. Suraj Yadav @ Shyam Babu Yadav Son of Mogal Yadav @ Mugal Yadav Resident of Village - Bangal Khand, P.S. - Kuchaikote, District - Gopalganj, Bihar.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Indrajeet Bhushan, Adv.
For the State	:	Mr. Yogendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 12-03-2021 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners have filed the instant application for grant of regular bail in connection with Kuchaikote P.S. Case no. 244 of 2020 registered under sections 302 and 34 of the Indian Penal Code.

As per allegation in the F.I.R., while the son of the informant was returning from the house of the relative, it is stated that he disappeared and subsequently his dead body was recovered. The informant further states that ten named accused persons including the two petitioners herein two days ago came variously armed and had abused and threatened that they would



kill his son.

It is submitted by learned counsel for the petitioners that except for the suspicion having been raised by the informant, no other cogent material has transpired in course of investigation to connect the petitioner with the alleged occurrence. It is submitted that so far as the witnesses referred to in paragraph nos. 6, 7 and 8 of the case diary are concerned, they have only repeated the suspicion raised by the informant in the FIR. It is further submitted that more than a month later on 20.09.2020 one of the maternal uncles of the deceased claiming himself to be an eye witness made general and omnibus allegation against the petitioner and a number of other co-accused persons of having assaulted the deceased but without giving any explanation for the delay in coming forward with that statement. The petitioners have no criminal antecedent and they are in custody since 01.07.2020 and 17.08.2020 respectively.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, this Court is inclined to enlarge the petitioners on bail. The



above named petitioners are directed to be enlarged on bail in connection with Kuchaikote P.S. Case no. 244 of 2020 on each of them furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VII, Gopalganj.

(Partha Sarthy, J)

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