

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.711 of 2021

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

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MOGAL YADAV @ MUGAL YADAV son of Late Swaminath Yadav
RESIDENT OF VILLAGE BANGAL KHAND P.S. KUCHAIKOTE
DISTRICT GOPALGANJ, BIHAR

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Indrajeet Bhushan, Advocate
For the Opposite Party/s	:	Mr. Ram Priya Sharan Singh, APP
For the Informant	:	Mr. Rajani Ranjan Pd. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 27-09-2021 Heard Mr. Indrajeet Bhushan, learned Advocate for the petitioner and Mr. Rajni Ranjan Prasad Singh for the informant. The State is represented by Mr. Ram Priya Sharan Singh, learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Kuchaikote P.S. Case No. 244 of 2020 dated 29.06.2020 instituted for the offences under Sections 302 and 34 of the Indian Penal Code.

The son of the informant had left for his aunt's house but never returned. Later his dead body was found behind the showroom of Tata Motors. The name of the petitioner has been suspected in this case only on the ground that shortly before the occurrence, 10 persons including the petitioner had threatened the



informant that her son would be eliminated.

The learned counsel for the petitioner has submitted that beyond the aforesaid statement of the informant, there is no other material to connect the petitioner with the offence. During the course of investigation, after three months of the lodging of the FIR, a person claiming to be the maternal uncle of the deceased has made a statement that in his presence, the petitioner and another had killed the deceased.

Mr. Indrajeet Bhushan, learned counsel for the petitioner has submitted that such statement cannot be relied upon as a maternal uncle of the deceased would not wait for three months to report the matter to the police.

Learned counsel for the informant though has opposed the prayer for bail but has offered no explanation for the aforesaid delay by the maternal uncle of the deceased in approaching the police for making such statement.

Considering this aspect of the matter this Court had called for the case diary and had also granted provisional bail to the petitioner by order dated 10.08.2021.

Regard being had to fact that the statement of the maternal uncle of the deceased is not at all reliable



and that there is no other material to connect the petitioner with the offence, the provisional bail granted to him is hereby confirmed.

The petitioner shall remain on the same bail bonds.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

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