

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2480 of 2021

Arising Out of PS. Case No.-77 Year-2020 Thana- DARPA District- East Champaran

1. BHULAI YADAV, aged 40 years, Gender-Male, Son of Shiv Shankar Yadav, Resident of Village-Bhatnahiya, Police Station-Darpa, District-East Champaran.
2. SHIV SHANKAR YADAV @ SHIV SHANKAR YADO, aged 68 years, Gender-Male, Son of Late Mahtura Yadav @ Mathura Ray, Resident of Village - Bhatnahiya, Police Station-Darpa, District-East Champaran.
3. PUNA YADAV @ PONA YADAV, aged 35 years, Gender-Male, Son of Shiv Shankar Yadav, Resident of Village-Bhatnahiya, Police Station-Darpa, District-East Champaran.
4. PINTU YADAV, aged 32 years, Gender-Male, Son of Shiv Shankar Yadav, Resident of Village-Bhatnahiya, Police Station-Darpa, District-East Champaran.
5. PAWAN YADAV, aged 25 years, Gender-Male, Son of Shiv Shankar Yadav Resident of Village - Bhatnahiya, Police Station - Darpa, District - East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Madhurendra Kumar, Advocate.
For the Opposite Party : Mr. Ajay Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-08-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioners and learned A.P.P. for the State through Virtual mode.

The petitioners are apprehending their arrest in connection with Darpa P.S. Case No. 77 of 2020 for the offence



registered under Sections 302 and 201/34 of the I.P.C.

The prosecution story, in brief, is that the marriage of the informant's sister, namely, Pramila Devi, was solemnized with Bhulai Yadav (petitioner no. 1) nine to ten years ago and at the time of marriage of family of the informant expressed about Rs. 4,00,000/- in various items. The deceased Pramila Devi blessed with two daughters and one son but for the last eight to nine months the accused persons were demanding a cow and on 26.05.2020, the informant received information that the house of the deceased was locked. The informant claimed that at the night of 25.05.2020, all the accused persons killed the deceased and disposed of her dead body to conceal the evidence.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The informant has filed a petition in the learned court below where he has retracted from his earlier statement made in the F.I.R. The said application is Annexure-2 to the present application.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.



Considering the aforesaid facts and circumstances of the case, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned S.D.J.M. Raxaul, East Champaran, Motihari, in connection with Darpa P.S. Case No. 77 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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