

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3007 of 2021

Arising Out of PS. Case No.-207 Year-2020 Thana- RANIGANJ District- Araria

SANTOSH YADAV S/o Janardhan Yadav @ Janardan Yadav R/o village-
Bairakh, P.S.- Raniganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-03-2021 Heard both parties.

The petitioner seeks bail in Raniganj P.S. Case No. 207 of 2020, registered for the offence punishable under Sections 302, 201, 120(B), 379 and 34 of the Indian Penal Code.

As per the prosecution case, informant's brother decided to take mortgaged maize field from co-villager Gurudeo Yadav for Rs. 1,00,000/-. On a call made by co-accused Gurudeo Yadav on 03.05.2020 at 10.00 am, informant's brother went at Gurudeo Yadav's house with Rs. 80,000/-, but he did not return. When the informant went at the house of Gurudeo Yadav and enquired about his brother, Gurudeo Yadav told that he had not seen his brother. During course of search, he came to know that his brother was seen towards the maize field at 12 'O' clock with Gurudeo Yadav and other accused persons including this



petitioner. The dead body of informant's brother was found in maize field of Chunni Lal Saha at 9.00 pm. The hand of the dead body was tied with his shirt and throat was tightly tied with a rope and marks of assault on eye, back and legs were found.

It is submitted on behalf of the petitioner that petitioner has been falsely implicated in this case simply because he is brother-in-law (*Jija*) of co-accused Gurudeo Yadav. There is no eye-witness of the occurrence and only suspicion has been raised against this petitioner. Moreover, dead body has been recovered from the maize field of one Chunni Lal Saha. Petitioner is in custody since 23.05.2020 having no criminal antecedent, as stated in para 3 of the petition. Chargesheet has already been submitted.

Considering the facts and circumstances of the case and the fact that save and except suspicion there is no material against the petitioner coupled with the fact that petitioner bears clean antecedent, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate VI, Araria in connection with Raniganj P.S. Case No. 207 of 2020, subject to following conditions:-



(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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