

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6241 of 2021

Arising Out of PS. Case No.-196 Year-2020 Thana- FATEHPUR District- Gaya

1. PINTU KUMAR @ NIRAJ KUMAR S/o Ram Prasad Yadav @ Parmeshwar Yadav @ Parmeshwar Prasad Yadav Resident of Village- Kathautia Kewal, P.S.- Fatehpur, Distt- Gaya
2. DEONANDAN KUMAR S/o Ram Prasad Yadav @ Parmeshwar Yadav @ Parmeshwar Prasad Yadav Resident of Village- Kathautia Kewal, P.S.- Fatehpur, Distt- Gaya
3. RAM PRASAD YADAV @ PARMESHWAR YADAV @ PARMESHWAR PRASAD YADAV S/o Late Ganauri Yadav @ Somar Yadav Resident of Village- Kathautia Kewal, P.S.- Fatehpur, Distt- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv.
For the State	:	Mr. Amitesh Kumar
For the informant	:	Mr. Ajay Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 25-06-2021 Heard learned Senior Counsel for the petitioners, learned Counsel for the informant and learned Additional Public Prosecutor for the State, through Video Conferencing.

The petitioners seek regular bail in connection with Fatehpur Police Station Case No. 196 of 2020, registered for the offence punishable under Sections 364/365 of the Indian Penal Code.

The prosecution case, as per the First Information Report, is that on 09.08.2020, the husband of the informant left his house, but he did not return and was traceless. His mobile



was found switched off. It has further been alleged that thereafter the informant gave a written application on 13.08.2020 before the police, but no action was taken by the police on her application. It has further been alleged that the petitioners, along with other accused persons, used to harass the informant and other family members for the last many years and they have been forcibly ploughing the land of the informant for the last ten years and on several occasions, the accused persons had threatened the informant to kill her family members.

Learned Senior Counsel for the petitioners submits that on the basis of suspicion only, the petitioners have been implicated in this case and the reason behind the false implication of the petitioners is that the son of the petitioner no. 3 was killed by the husband of the informant, for which Fatehpur Police Station Case No. 146 of 2017 was lodged and the side of the informant was putting pressure over the petitioners to become hostile in the case. He further submits that subsequently the dead body of the informant's husband was recovered and taking into consideration the bad condition of the dead body, for identification, D.N.A. sample was sent by the police, which has not yet been received. He next submits that the petitioners are in custody since 20.09.2020 and charge sheet



has been submitted against the petitioners, as such, there is no likelihood of the petitioners being abscond or tamper with the evidence.

On the other hand, learned Counsel for the informant and learned Additional Public Prosecutor vehemently oppose the prayer for bail and submit that the dead body of the informant's husband was identified by the informant herself and there was previous enmity between the petitioners and the informant family and therefore there is possibility that the petitioners along with others have killed the husband of the informant. He further submits that the petitioners have got criminal antecedents and so many cases are pending against them.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the learned Court below, in its impugned order, has come to the finding that on the basis of the circumstantial evidence, the police has arrested all the petitioners and further the petitioners are in custody since 20.09.2020, and charge sheet has been submitted against them, I am inclined to grant regular bail to the petitioners.

This application is allowed.



Accordingly, let the petitioners, above named, be released on bail, upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 10th Additional Chief Judicial Magistrate, Gaya, in connection with Fatehpur Police Station Case No. 196 of 2020.

This is subject to the condition that the petitioners shall present themselves before the Court, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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