

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5621 of 2022

Arising Out of PS. Case No.-167 Year-2020 Thana- SAHEBPUR KAMAL District- Begusarai

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Lalo Mandal, Son of Late Isri Mandal, Resident of Village - Murasi, P.S.- Bel-dour, Distt.- Khagaria.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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with

CRIMINAL MISCELLANEOUS No. 39019 of 2022

Arising Out of PS. Case No.-167 Year-2020 Thana- SAHEBPUR KAMAL District- Begusarai

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Vyas Yadav s/o amin yadav, R/O Village- Jangli Tola Mathar, P.S.- Mufassil, District- Khagariya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 5621 of 2022)

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

For the Opposite Party/s: Mr. Ramchandra Singh, APP

(In CRIMINAL MISCELLANEOUS No. 39019 of 2022)

For the Petitioner/s : Mr. Bipin Kumar, Advocate

For the Opposite Party/s: Mr. Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

3 06-12-2022 Since both the applications arise out of Sahebpur Kamal P.S. Case No. 167 of 2020, as such, they have been taken up together and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned APP for the State.

Let the defect (s), if any, as pointed out by the office,



be removed within a period of four weeks.

In the present case, the petitioners seeks bail in connection with Sahebpur Kamal P.S. Case No. 167 of 2020 registered for the alleged offences under Sections 302/201/34 of the Indian Penal Code.

As per the prosecution case, dead body of an unknown male was recovered near the banks of river Ganga. Later on, it came to the knowledge that the dead body was that of husband of the co-accused Anita Devi. The petitioners were named by the co-accused for having illicit relationship with her along with other persons and she also named the petitioner Vyas Yadav who killed her husband.

The learned counsel for the petitioner Lalo Mandal submits that the petitioner is innocent and has been falsely implicated in this case. The co-accused Anita was arrested and her confession was extracted by the police and the petitioner was named in this case at the instance of Hare Ram Mandal, the brother of the deceased. Though the co-accused has named the petitioner with whom she was having illicit affair but she has not named the petitioner for being involved in the murder of her husband. There is no eye witness to the alleged occurrence and nothing incriminating has been



recovered from the possession of this petitioner. The petitioner has got no relationship with the co-accused wife of the deceased and he is in custody since 26.08.2021. The co-accused Anita Devi has been granted bail vide order dated 08.07.2021 passed in Cr. Misc. No. 8361 of 2021 by a Co-ordinate Bench and another co-accused Vidya Nand Mandal has been granted bail vide order dated 10.10.2022 passed by this Court in Cr. Misc. No. 69766 of 2021. The petitioner has got no criminal history and charge-sheet has been submitted in this case.

Learned counsel for the petitioner Vyas Yadav submits that the petitioner has been falsely implicated in this case. Except for suspicion there is nothing against the petitioner. The petitioner has been named in this case on the basis of confessional statement co-accused Anita Devi which has got no legal value. The whole case is based on circumstantial evidence and there is no eye witness. Some of the co-accused persons have been granted bail. The petitioner was not involved in the murder of the husband of the co-accused Anita Devi. The petitioner is in custody since 28.08.2021 and charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioners were having illicit relationship with the co-



accused wife of the deceased and to continue the relationship, they killed the husband of the co-accused. Learned APP further submits that the tower location of petitioner Vyas Yadav was found at the same place where the tower location of the deceased was observed on the date of occurrence.

Perused the record.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the nature of material which has come against the petitioners and also considering their period of custody of the as well as submission of charge sheet, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned learned Chief Judicial Magistrate, Begusarai, in connection with Sahebpur Kamal P.S. Case No. 167 of 2020, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates



or in violation of the terms of the bail, the bail
bond of the petitioners will be liable to be can-
celled by the court concerned.

(Arun Kumar Jha, J)

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