

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9338 of 2020

Arising Out of PS. Case No.-237 Year-2019 Thana- SHERGHATI District- Gaya

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1. MULAYAM YADAV S/o Rampati Yadav R/o village- Bandaul, P.S.- Guraru, District- Gaya
 2. Ramdahin Yadav S/o Rampati Yadav R/o village- Bandaul, P.S.- Guraru, District- Gaya
 3. Lalu Yadav S/o Rampati Yadav R/o village- Bandaul, P.S.- Guraru, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv.
For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 03-01-2022 Heard Mr Yogesh Chandra Verma, the learned senior counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Sherghati P.S. Case No. 237 of 2019 instituted for the offences under Sections 302, 201 and 34 of the Indian Penal Code.

Two boys who were said to be in love with two



girls were found dead. The informant, who is the uncle of one of the deceased boys, has raised suspicion against some of the relatives of the girl with whom his nephew was carrying on an affair. During the course of investigation, it came to light that another girl by the name of Sarita was having an affair with one Ashutosh, who is the niece of petitioner nos. 1 and 3. Because of such relationship between Sarita and her paramour, her father is said to have sent her to Visakhapatnam for prosecuting her studies. When aforesaid Sarita came back home, she was not made to stay with her father but was asked to stay with petitioner no. 1. It is in this circumstance, the names of the petitioners have transpired as having managed to have one of the deceased persons come to the house and thereafter killing him.

The learned senior counsel for the petitioners has submitted that except for this vague suspicion and general presumption that the petitioner nos 1 and 3 being the uncle of the girl with whom one of the deceased was carrying on an affair, much to the chagrin of all other



family members, that they may have conspired to have one of the deceased killed. Beyond suspicion and the relationship with one of the girls with whom one of the deceased persons was carrying on an affair, there is no other material to connect the petitioners with the offence.

Thus, it has been argued that the petitioners were not named in the beginning because there was no material against them. Only during the course of investigation, they are sought to be prosecuted on an unfounded suspicion without there being any cogent evidence to connect them with the offence.

For the reasons afore-stated, the petitioners, above named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Gaya, in connection with Sherghati P.S. Case No. 237 of 2019,



subject to the condition laid down under Section 438 (2)
of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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