

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7988 of 2022

Arising Out of PS. Case No.-162 Year-2021 Thana- MANIGACHI District- Darbhanga

Pappu Yadav Son of Bindeshwar Yadav, Resident of Village - Chanaur, P.s.-
Manigachhi, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 9720 of 2022

Arising Out of PS. Case No.-162 Year-2021 Thana- MANIGACHI District- Darbhanga

Ram Yadav @ Ram Lal Yadav Son Of Ganga Yadav, Resident Of Village-
Chanaur, P.S.- Manigachhi, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 11460 of 2022

Arising Out of PS. Case No.-162 Year-2021 Thana- MANIGACHI District- Darbhanga

Vijay Yadav Son of Ganga Yadav, Resident of Village - Chanaur, P.s.-
Manigachhi, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 7988 of 2022)

For the Petitioner/s : Mr. D. K. Sinha, Sr. Advocate

Mr. Girish Chandra Jha, Advocate

For the State : Ms. Sharda Kumari, APP

For the Informant : Mr. Shankar Kumar Thakur, Advocate

(In CRIMINAL MISCELLANEOUS No. 9720 of 2022)

For the Petitioner/s : Mr. Girish Chandra Jha

For the State : Mr. Rajendra Singh, APP

For the Informant : Mr. Shankar Kumar Thakur, Advocate

(In CRIMINAL MISCELLANEOUS No. 11460 of 2022)

For the Petitioner/s : Mr. Girish Chandra Jha

For the State : Mr. Ram Bilash Roy Raman, APP

For the Informant : Mr. Shankar Kumar Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA



ORAL ORDER

2 13-12-2022 Since these three applications arise out of Manigachhi P.S. Case No. 162 of 2021, 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 as well as learned counsel for the informant.

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 seek bail in connection with Manigachhi P.s. Case No. 162 of 2021 registered for the alleged offences under Sections 302/201/34 of the Indian Penal Code.

As per the prosecution case, the informant gave a written report about the petitioners brutally assaulting the son of the informant when the motorcycle of the petitioner Ram Yadav fell down due to act of the son of the informant. Further allegation against the petitioner is that when the son of the informant returned to his home, finding him alone, the petitioner and other co-accused persons entered into the house of the son of the informant and strangled him to death with the help of his silver chain.

The learned senior counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have



been falsely implicated in this case. The petitioners have been named in this case merely on suspicion and the son of the informant was a habitual drinker and he died due to over consumption. Learned counsel further submits that the postmortem report also shows presence of Ethyl Alcohol as well as Aluminum Phosphide in the viscera report preserved at the time of postmortem. A number of co-accused persons have been granted bail by a Co-ordinate Bench of this Court vide order dated 13.04.2022 passed in Criminal Misc. No. 66562 of 2021. The petitioners are in custody since 20.07.2021 and charge-sheet has been submitted in this case.

Learned APP as well as learned counsel for the informant opposes the prayer for bail. Learned counsel for the informant submits that the petitioners killed the son of the informant and the Medical Board was constituted which gave its report that the death was apparently caused by manual strangulation. However, learned counsel further submits that said Medical Board opined in its report that the viscera was preserved and thereafter the viscera was examined and its report shows presence of Ethyl Alcohol and Aluminum Phosphide.

Perused the record.

Having regard to the facts and circumstances and



submission made on behalf of the parties and considering the presence of poisonous substance in the viscera report for which there is no allegation in the FIR and further considering the period of custody of the petitioners along with their clean antecedents 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) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M-V, Darbhanga, in connection with Manigachhi P.S. Case No. 162 of 2021, 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 cancelled by the court concerned.

(Arun Kumar Jha, J)

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