

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17486 of 2022

Arising Out of PS. Case No.-336 Year-2020 Thana- PARWALPUR District- Nalanda

1. Santosh Yadav @ Santosh Kumar Son Of Barhan Yadav Resident Of Village - Sita Bigha, P.S.- Parwalpur, Distt.- Nalanda.
2. Sokhan Yadav @ Ashokhan Yadav Son Of Ishwar Yadav Resident Of Village - Sita Bigha, P.S.- Parwalpur, Distt.- Nalanda.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate
For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-07-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

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

Petitioners seek regular bail in connection with Parwalpur P.S. Case No. 336 of 2020 registered under Section 302, 201/34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly informant's daughter was killed by the accused persons including the petitioners by causing fire arm injury to the deceased and after the said crime, the accused



persons hid the dead body of the deceased in a river which was later on discovered.

The main submissions advanced by learned counsel for the petitioners are that the marriage of the informant's sister took place 15 years ago with one Sanjay Yadav and both the petitioners are not the family members of husband of the deceased and they have no any connection with him and the allegation made in the FIR against the petitioners is general omnibus and the investigation has been completed and the petitioners have been languishing in jail since 03.02.2022. Further submission is that one co-accused namely Mukhiya Yadav who is stated to be a co-villager of the deceased's husband preferred Criminal Miscellaneous No. 70507 of 2021 mainly on the same grounds as taken by the petitioners and his prayer was allowed by a coordinate bench of this Court and while allowing the prayer of said co-accused, the Court also considered the relief of bail having been granted to the elder brother of the husband of the deceased vide order passed in Criminal Miscellaneous No. 71578 of 2021 and the same situation and circumstances concerned to the said co-accused persons is also similar to the present petitioners.

Learned APP for the State has opposed the bail prayer.



Having considered the above submissions and mainly the fact that one co-accused Mukhiya Yadav who is stated to be co-villager of the husband of the deceased has been considered for regular bail by a coordinate bench of this Court vide order passed in above mentioned Criminal Miscellaneous and the petitioners have also taken the plea that they are co-villagers of deceased's husband and also considering the fact, that the allegation made in the FIR against the petitioners is not specific and the case of petitioners stands on similar footing with said co-accused Mukhiya Yadav and moreover the elder brother of the husband of the deceased has also been granted bail as mentioned above and deceased's marriage was solemnised 15 years ago, in the light of these facts, this Court finds the petitioners prayer to be fit and proper for regular bail, let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in Connection with Parwalpur P.S. Case No. 336 of 2020.

(Shailendra Singh, J)

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