

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28343 of 2021

Arising Out of PS. Case No.-14 Year-2020 Thana- ANTICHAK District- Bhagalpur

-
1. RITESH KUMAR @ MITHILESH YADAV S/O CHAKKO YADAV R/O VILLAGE-MALLIKPUR, P.S.-ANTICHAK, DISTRICT-BHAGALPUR.
 2. CHAKKO YADAV S/O LATE SRIFAL YADAV R/O VILLAGE-MALLIKPUR, P.S.-ANTICHAK, DISTRICT-BHAGALPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate.
Mr. Anuj Kumar, Advocate.
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 24-02-2022 Heard learned counsel appearing on behalf of the
petitioners and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two weeks of the complete start of the physical Court in normal course.

The petitioners, who are in custody since 23.11.2020, seek regular bail in connection with Antichak P.S. Case No. 14 of 2020 for the offence punishable under Sections 302, 201 and 506/34 of the Indian Penal Code.

The prosecution case, in brief, is that the informant was informed by his neighbour that a dead body is lying in village Mallikpur inside the boundary wall and the same seems



to be the dead body of his son Sonu Kumar Yadav. The informant along with his three sons reached the place of occurrence. F.I.R. was lodged against 11 named accused persons. Specific allegation of murder of the deceased is against co-accused Ravi Kumar Lal, Kavi Kumar Lal, Chhotu Kumar and Arjun Yadav. The deceased was having dispute with the aforesaid accused persons on account of transaction of money for which they had threatened the deceased to kill. It has further been alleged that Arjun Yadav had also threatened the deceased who was in love relationship with his daughter.

Learned counsel appearing on behalf of the petitioners submits that the petitioner no.1 is the son and petitioner no.2 is the father of petitioner no.1 are innocent and they have falsely been implicated in this case. He further submits that petitioners are not named in the F.I.R. and from F.I.R. itself, it appears that the deceased was having love affairs with the daughter of one Arjun Yadav and he had also enmity with 11 other named accused in the F.I.R. who had threatened to kill the deceased on account of dispute with regard to transaction of money between them. He further submits that in course of investigation, no incriminating material has come to support the fact that the son of the informant was having love affair with the daughter of the



petitioner no.2 and sister of petitioner no.1 namely Nutan Kumari. Simply on the basis of suspicion the petitioners have been roped in the present case. Petitioners have no criminal antecedent and they are in custody since 23.11.2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Having heard the rival submission of the parties, no incriminating material has surfaced in course of investigation. The doctor after conducting autopsy of the body has opined the cause of death due to electrocution and asphyxia. It is well settled law that suspicion howsoever strong cannot take the place of proof and for suspicion an under trial prisoner cannot be kept behind the bar even after completion of investigation, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-XIV, Bhagalpur in connection with Antichak P.S. Case No. 14 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.



(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(4) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bonds.

(Purnendu Singh, J)

mantreshwar/-

U		T	
---	--	---	--

