

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30428 of 2021

Arising Out of PS. Case No.-57 Year-2020 Thana- SUIYA District- Banka

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BINOD YADAV Son of Prasadi Yadav Resident of Village- Bhulua, P.S.-
Suiya, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 36065 of 2021

Arising Out of PS. Case No.-57 Year-2020 Thana- SUIYA District- Banka

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PRASADI YADAV Son of Late Tulsi Yadav Resident of Village - Bhalua, P.S.
- Suiya, District- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 30428 of 2021)

For the Petitioner/s : Mr.Brij Nandad Prasad

For the Opposite Party/s : Mr. Surendra Kumar

(In CRIMINAL MISCELLANEOUS No. 36065 of 2021)

For the Petitioner/s : Mr.Brij Nandad Prasad

For the Opposite Party/s : Ms. Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 24-02-2022 Heard learned Counsel for the petitioners and

learned Additional Public Prosecutor for the State, in both the

cases.

The petitioners seek regular bail in connection with

Suiya Police Station Case No. 57 of 2020, registered for the

offence punishable under Section 302 of the Indian Penal Code.



The prosecution case, in brief, is that the informant was informed by her brother-in-law Anandi Yadav, while she was plucking green gram (ghaghara) in her field that her daughter was lying on the floor and a rope was wrapped from her neck. Upon this information, she proceeded towards her house and saw that her daughter was dead and the petitioner Binod Yadav was fleeing away from the place of occurrence.

Learned Counsel for the petitioner submits that the petitioners are co-villagers and from the First Information Report itself, it would be evident that there was land dispute between the parties. He further submits that the petitioners have been dragged in this case based upon the concocted story and so far as the petitioner no. 2, Prasadi Yadav, is concerned, there is absolutely no allegation against him in the First Information Report. He further submits that the petitioner no. 1, Binod Yadav, has also been implicated in this case on the basis of suspicion only that the informant saw him fleeing away from the place of occurrence, but when the brother-in-law came and inform her regarding the condition of her daughter, he did not reveal anything about the fact that petitioner Binod Yadav was seen by him present at the place of occurrence. However, in course of investigation, the informant as well as her brother-in-



law changed their earlier versions and the informant has stated that Prasadi Yadav, father of the petitioner Binod Yadav was also present at the place of occurrence along with the petitioner Binod Yadav and Anandi Yadav stated that he had seen the petitioner Binod Yadav dragging the deceased with the help of rope wrapped in her neck. He further submits that there is inconsistency in the statement of the informant and the subsequent statement of the informant and Anandi Yadav. He further submits that the petitioner, Binod Yadav, is in custody since 02.03.2021 and the petitioner Prasadi Yadav is in custody since 27.01.2021..

Regards being had to the submissions advanced on behalf of the parties and taking into consideration the materials on record and the fact that there is inconsistencies in the statement made in the First Information Report and in the subsequent statements of the informant as well as Anandi Yadav, recorded under Section 161 of the Code of Criminal Procedure, 1973, and the doctor has not given his opinion regarding the cause of death in the post mortem examination report, I am inclined to grant regular bail to the petitioners.

These applications are, accordingly, allowed.

Let the petitioners, above named, be released on



bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Suiya Police Station Case No. 57 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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