

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4089 of 2022

Arising Out of PS. Case No.-195 Year-2021 Thana- SANGRAMPUR District- Munger

Uma Kant Yadav Son of Chhedi Yadav Resident of Village - Bichchchanchar,
P.s.- Sangrampur, Distt.- Munger, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 22906 of 2022

Arising Out of PS. Case No.-195 Year-2021 Thana- SANGRAMPUR District- Munger

Sintu Yadav@Sintu Kumar@Sainta@Rakesh Ranjan Son Of Kailash Yadav
@ Kailash Prasad Yadav R/O- Village- Bichchi Chanchar, P.S.- Sangrampur
(tetiabambar), District- Munger, Pincode- 811213

... .. Petitioner/s

Versus

The State of bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 35019 of 2022

Arising Out of PS. Case No.-195 Year-2021 Thana- SANGRAMPUR District- Munger

Jay Kishore Yadav Son of Late Karu Prasad Yadav Resident of Village -
Bichchi chanchar, P.s.- Sangrampur (Tetiya Bambar), Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 48503 of 2022

Arising Out of PS. Case No.-195 Year-2021 Thana- SANGRAMPUR District- Munger

1. Surendra Yadav @ Surendra Prasad Yadav Son of Late Rajpati yadav R/o village - Bichhi Chanchar, P.S.- Sangrampur (Tetiya Bambar), District - Munger.
2. Rajiv Yadav @ Rajiv Ranjan Son of Govind yadav R/o village - Bichhi Chanchar, P.S.- Sangrampur (Tetiya Bambar), District - Munger.



... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 4089 of 2022)

For the Petitioner/s : Mr. N.K. Agrawal (Sr. Adv.)

Ms. Preety Kunwar

Mr. Kumar Rajdeep (Adv.)

Mr. Arvind Kumar (Adv.)

For the Opposite Party/s : Mr. Narendra Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 22906 of 2022)

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Dr. Indihar Kumari

(In CRIMINAL MISCELLANEOUS No. 35019 of 2022)

For the Petitioner/s : Mr. Niranjana Parihar

For the Opposite Party/s : Mr. A.G.

(In CRIMINAL MISCELLANEOUS No. 48503 of 2022)

For the Petitioner/s : Mr. Niranjana Parihar

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 05-12-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with

Sangrampur (Tetia Bumber) P.S. Case No. 195 of 2021,

registered for the offences punishable under Sections 364

and 34 of the Indian Penal Code. Section 302 of the Indian

Penal Code has also been added subsequently.

The prosecution case as emerging from the FIR is

that informant's nephew went with the accused-petitioners

on a motorcycle and did not return home and thereafter they



have thrown the dead body in water inside the jungle.

The learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Ld. Counsel for the petitioners submit that though as per the FIR it is alleged that deceased had gone with the petitioners, namely, Uma Kant Yadav and Sintu Yadav on motorcycle, however, there is no allegation of any enmity between them. They further submit that though as per the Police, clothes of the deceased, soaked with blood, has been recovered at the instance of Uma Kant Yadav and Sintu Yadav, apart from this, there is no other incriminating material recovered and only effect of such claim of the Police is that the clothes of the deceased was lying there to the knowledge of these petitioners but there is no other incriminating material to connect these petitioners with causing death of the deceased. They further submit that investigation in this case is complete and charge-sheet has already been submitted but they are not aware whether charge is framed or not.

Ld. Counsel for the petitioners submit that the



petitioners, namely, Jay Kishore Yadav and Surendra Yadav they are not named in the FIR and only material against them in the case-diary is so-called confessional statement before Police which has no evidentiary value in the eyes of law.

The petitioners, namely, Uma Kant Yadav and Sintu Yadav have been languishing in jail since 05.08.2021 and the petitioner namely, Jay Kishore Yadav has been languishing in jail since 05.03.2022 and Surendra Yadav has been languishing in jail since 05.04.2022.

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioners have no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs.



10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. Concerned Court below in connection with Sangrampur (Tetia Bumber) P.S. Case No. 195 of 2021, **after framing of charge, if not already framed** on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, the learned court below shall cancel the bail bond of the



petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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