

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37101 of 2021

Arising Out of PS. Case No.-12 Year-2018 Thana- BARH District- Patna

1. Ravindra Yadav Son Of Siyasharan Yadav Resident Of Village - Hasanchak, Police Station- Barh, District - Patna.
2. Jitendra Yadav Son Of Siyasharan Yadav Resident Of Village - Hasanchak, Police Station- Barh, District - Patna.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 03-01-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in connection with Barh P. S.
Case No.12 of 2018, instituted for the offences under Sections
363 and 364 of the Indian Penal Code and subsequently,
Sections 302 and 206 of the I.P.C. was also added.

The learned counsel for the petitioners submits that
the petitioners are in custody since 04.02.2021, they are persons
with clean antecedents and charge-sheet has been submitted
against them.

The learned counsel for the petitioners submits that
the informant Jhulan Kumar (brother of the deceased) has given



a written report to the police alleging therein that his brother Mithu Kumar went for his coaching classes on 09.01.2018 at about 8.30 A.M. and he did not come back and accordingly, search was made and the bicycle of Mithu Kumar (deceased) was found near Agwanpur Mor. It is further alleged that even the mobile number of the deceased was switched off. His brother had three friends namely, Ramesh Kumar, Ajay @ Lallu Yadav and Chintu Yadav.

The learned counsel for the petitioners submits that in the F.I.R., the brother of the deceased has alleged that his brother had gone for coaching classes and from where he was traceless, his cycle was found, but during the course of investigation, it has come that deceased was in love with Kajal and the family members and uncle of Kajal had threatened the deceased of dire consequences in the event if he does not mend his way and stopped meeting Kajal, he would be killed.

The learned counsel for the petitioners submits that based on which, the petitioner no.2, being father and petitioner no.1, being uncle of Kajal, came to be implicated in the present case. The learned counsel further submits that since the deceased and Kajal were having an affair, as such, no prudent man would indulge in an act exposing himself and get



implicated in a murder case. The learned counsel further submits that the father of the deceased before the police has categorically stated that it was Kundan Kumar, who had called the deceased from the house and thereafter, he got killed by the accused persons, but the brother of the deceased in the F.I.R. has stated that on 09.01.2018, he had gone to coaching classes and from where he became traceless, as such, both the versions are dichotomic.

The learned counsel for the petitioners further submits that it is only based on suspicion the present petitioners have been implicated being father and uncle of Kajal and there is no eye witness to the occurrence.

The learned A.P.P. for the State opposes the bail application and submits that the occurrence has been committed by the family members only for the reason that the deceased was not mending his way and was adamant to continue relationship with Kajal.

Considering the fact that the petitioners are in custody, they are persons with clean antecedents, charge-sheet has been submitted against them and there is no eye witness to the occurrence and their names transpired based on suspicion, the petitioners, above-named, are directed to be released on bail



on their furnishing bail-bonds in the sum of Rs. 10,000/-
(Rupees Ten Thousand) each with two sureties of the like
amount each to the satisfaction of learned A.C.J.M.-1st, Barh,
Patna in connection with Barh P. S. Case No.12 of 2018.

The application stands allowed.

(Satyavrat Verma, J)

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