

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40609 of 2021

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

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KOSUM YADAV S/o Naresh Yadav Resident of Village - Sahapur, P.S. -
Rahui, District - Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 46049 of 2021

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

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BABLU YADAV Son of Late Barahil Gope Resident of Village-
Bhaganbigha, P.S. Bhaganbigha Rahui, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 40609 of 2021)

For the Petitioner/s : Mr. Sahvind Kumar Sharma, Adv.

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 46049 of 2021)

For the Petitioner/s : Mr. Rudal Singh, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 22-04-2022 Heard learned counsel for the parties through video
conferencing.

The petitioners have preferred this application for
grant of regular bail in connection with Rahui P.S. Case no.336
of 2020 registered under sections 302, 328 and 34 of the Indian
Penal Code.



As per the prosecution case, it is stated by the informant that his brother was engaged in business with the two petitioners herein. At about 6 p.m. on 21.9.2020, he received information about his brother lying on the side of the road and on reaching the place of occurrence, he was taken to the hospital where the doctor declared him dead.

It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. No overt act has been alleged against the petitioners. At best, it is a case of last seen. Referring to the contents of the post-mortem report, it is submitted that no external injury has been found on the body of the deceased. Further referring to the contents of the F.S.L. report, it is submitted that no poison and other Alkaloids was found in the body. Only ethyl alcohol which is the chief intoxicating ingredient of all alcoholic beverages was found. The petitioners are in custody since 6.3.2021 and 22.1.2021 respectively and investigation in the case has concluded.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the material that has transpired in course of investigation including the contents of the post-mortem report and the F.S.L. report and the petitioners having



remained in custody for 1 year, the Court directs the two petitioners to be enlarged on bail in connection with Rahui (Bhaganbigha) P.S. Case no.336 of 2020 on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st, Nalanda, Bihar Sharif/Chief Judicial Magistrate, Nalanda at Bihar Sharif.

(Partha Sarthy, J)

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