

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45801 of 2021

Arising Out of PS. Case No.-190 Year-2020 Thana- JALE District- Darbhanga

1. Binod Yadav Son of Chardeshwar Yadav Resident of Village - Narouchhdham, P.S. - Jale, District - Darbhanga.
2. Chandeshwar Yadav Son of Late Bankey yadav Resident of Village - Narouchhdham, P.S. - Jale, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47336 of 2021

Arising Out of PS. Case No.-190 Year-2020 Thana- JALE District- Darbhanga

Parmeshwar Yadav S/o Late Bankey Yadav R/o village- Narouchdham, P.S.- Jale, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 45801 of 2021)

For the Petitioner/s : Mr.Vinay Kumar Mishra

For the Opposite Party/s : Mr.Umanath Mishra

(In CRIMINAL MISCELLANEOUS No. 47336 of 2021)

For the Petitioner/s : Mr.Vinay Kumar Mishra

For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-07-2022 Since both the applications are arising out of same PS they are being taken up together and disposed of by this common order.

Heard learned counsel for the petitioners and learned counsel for the State.



The petitioners apprehend their arrest in Jale P.S. Case No. 190 of 2020, registered for the offences punishable under Sections 366, 365 of the Indian Penal Code. Later on, sections 302, 2011, 120(B), 34 IPC were added.

Prosecution case in brief is that on 10.11.2020 at 3.00 am brother of informant left the house but did not return, for which search was made. During course of search informant came to know from some of the villagers that on the alleged date, his brother was seen with co-accused Dhirendra Yadav near Anri *pokhar*. When informant inquired about his brother from Dhirendra Yadav he expressed his inability regarding whereabouts of informant's brother.

It is submitted that petitioners are not named in the FIR. Name of petitioners transpired during course of investigation. There is no eye-witness of the occurrence and only on suspicion, petitioners have been made accused in this case. There is no material against petitioners to show their complicity in the alleged occurrence. Other co-accused Makoon Yadav @ Makun Yadav and Dhirendra Yadav have been granted bail by this Court vide order dated 28.04.2022 passed in Cr. Misc. No. 10306 of 2022. Petitioners have got no criminal antecedents.



Considering the facts aforesaid, the petitioners above-named, in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate Ist, Darbhanga in connection with Jale P.S. Case No. 190 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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