

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50417 of 2021

Arising Out of PS. Case No.-148 Year-2020 Thana- KATORIYA District- Banka

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DURGA @ BAINGA YADAV @ DURGA YADAV S/o Late Madoli Yadav
R/o village- Bahadiya, P.S.- Katoriya, District- Banka

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 50529 of 2021

Arising Out of PS. Case No.-148 Year-2020 Thana- KATORIYA District- Banka

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AJAY YADAV Son of Durga Yadav Resident of Village - Bahadiya, P.S.-
Katoria, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 50417 of 2021)

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr. Bharat Bhushan

(In CRIMINAL MISCELLANEOUS No. 50529 of 2021)

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr. Vinod Shanker Modi

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 18-05-2022 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
Katoriya Police Station Case No. 148 of 2020, registered for the
offences punishable under Sections 302/201/34 of the Indian
Penal Code.



The prosecution case, as per the First Information Report, is that on 13.07.2020, at about 01:30 PM, the husband of the informant left his house, but did not return till late night and on 14.07.2020, at about 4PM, the villagers told the informant that the dead body of the informant's husband was hanging with a plastic rope on a tree. Upon this information, the informant went at the place of occurrence and found that her husband was dead and was hanging with a rope. The informant has raised suspicion against her agnates, i.e. the petitioners and other family members.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case and the petitioner Ajay Yadav is the son of the petitioner Durga Yadav. He further submits that the petitioners are the agnates and co-sharers of the informant and there is previous land dispute between the parties and only on the basis of the suspicion, the petitioners have been implicated in this case. He further submits that there is no eye-witness to the occurrence and the post mortem examination was conducted on the body of the deceased and the doctor has opined the cause of death due to hypovolemic shock and not due to hanging. He further submits that the petitioners are in custody since 21.07.2021 and 25.05.2021,



respectively and charge sheet has already been submitted against them and as such there is no likelihood that the petitioners will abscond and/or tamper with the evidence.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that both the parties are agnates, petitioners have been made accused on the basis of suspicion only and post mortem examination report is not corroborating the allegation levelled in the First Information Report, I am inclined to grant regular bail to the petitioner.

These applications are, accordingly, allowed.

Let the petitioners, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Katoriya Police Station Case No. 148 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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