

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51363 of 2021**

Arising Out of PS. Case No.-100 Year-2021 Thana- GOH District- Aurangabad

Vijay Yadav Son Of Rajdeo Yadav R/O Village- Sarsaul, P.S.- Goh, District-
Aurangabad

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh- Sr. Advocate Mr. Bhaskar Shankar- Advocate
For the Opposite Party/s :		Mr. Sanjay Kumar- A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 07-02-2022 Heard learned senior counsel for the petitioner and
learned APP for the State through video conferencing.

The petitioner seeks bail in connection with Goh P. S.
Case No.100 of 2021, instituted for the offences under Sections
302, 34, 120(B) of the Indian Penal Code.

The learned senior counsel for the petitioner submits
that the petitioner is in custody since 15.06.2021, he is a person
with clean antecedent and charge-sheet has been submitted in
the case.

The learned senior counsel for the petitioner submits
that the informant alleges that her husband (deceased) was a
truck driver and on 23.05.2021 at about 9.00 P.M., the deceased
left the house after receiving a call and did not return to his



house. Next day, his dead body was recovered. The informant further alleges that her husband was having an affair with Shimpi Kumari, daughter of the petitioner and thus, suspects that the accused persons including the petitioner killed her husband.

The learned senior counsel submits that the entire allegation is based on suspicion. The informant is not the eye witness to the occurrence. It is further submitted that during the course of investigation Shimpi Kumari confessed her love affair with the deceased. Further, it came in investigation that Shimpi Kumari was provided a SIM number by the deceased which was in the name of the mother of the deceased and they used to talk and on the date of occurrence, the deceased had talked four times with Shimpi Kumari. Further, the petitioner confessed that the relationship infuriated him and his family members and when the deceased came to meet Shimpi at 12.00 in the night, he was assaulted by lathi and danda leading to death.

The learned senior counsel for the petitioner submits that admittedly, the name of this petitioner transpired based on his own confessional statement before the police. It is further submitted that the mobile location of the deceased was found at village-Dadhapi and the petitioner is resident of Sarsol, which is



10 kilometer away from Dadhapi, which further shows that the petitioner was not present at the place of occurrence based on the tower location of the mobile. The learned senior counsel further submits that even during the course of investigation, apart from suspicion and confession, there is nothing to connect the petitioner with the offence.

The learned A.P.P. for the State opposes the bail application.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in the case, the allegation is based on the suspicion and confession before the police, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Daudnagar, Aurangabad in connection with Goh P. S. Case No.100 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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