

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45742 of 2022

Arising Out of PS. Case No.-21 Year-2021 Thana- JHAJHA RAIL P.S. District- Lakhisarai

Degan Yadav Son Of Late Ramprasad Yadav Resident Of Village- Rajla, P.S.-
Jhajha, District- Jamui

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Ganesh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 30-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Jhajha
Rail P.S. Case No. 21 of 2021 registered for the offences
punishable under Sections 302, 201 and 34 of the Indian Penal
Code.

As per the prosecution, the informant's husband was
murdered by this petitioner along with other co-accused persons
and the dead body was recovered from the railway track.

The main submissions advanced by the learned
counsel Mr. Dhananjay Kumar Tiwary appearing for the



petitioner are that the petitioner has fair and clean antecedent and there is no specific allegation against him in the FIR and he was not alleged to be the part of the group of accused persons who threatened the deceased just ten days before the alleged occurrence of murder and co-accused persons namely Mukka Yadav @ Mukesh Yadav, Kaiyum Miya @ Abdul Kaiyum and Basudeo Turi have been granted bail by different Benches of this Court vide orders passed in Cr. Misc. No. 6131 of 2022, 55101 of 2021 and 7924 of 2022 respectively, and the case of this petitioner stands on similar footing with them.

Learned APP Mr. Ganesh Prasad Singh appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the order impugned. The petitioner has clean and fair antecedent as mentioned in his petition, in the FIR only suspicion was raised by the informant regarding petitioner's involvement in the alleged murder of her husband and similarly situated some co-accused persons are on bail and three co-accused persons were alleged to have threatened the deceased ten days before the alleged occurrence in following with a quarrel having taken place between their children but the petitioner was not alleged to be present along with the said co-accused persons when the



alleged threatening was given and against the petitioner investigation has been completed as per the submission of learned counsel for the petitioner and the informant is not stated to be an eye-witness of the alleged occurrence of murder and the allegation made in the FIR is general and omnibus and the same relates to suspicion only. Considering all these facts as well as above submissions, in the opinion of this Court, a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Jhajha Rail P.S. Case No. 21 of 2021.

(Shailendra Singh, J.)

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