

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58481 of 2021**

Arising Out of PS. Case No.-64 Year-2021 Thana- MAHARAJGANJ District- Siwan

Krishna Yadav Son of Ramdeo Yadav Resident of Village - Leruaa, Police Station - Maharajganj, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raghav Prasad, Advocate.
For the State	:	Mr. Ramchandra Sahni, APP.
For the Informant	:	Mr. Arvind Kumar Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

4 19-05-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Raghav Prasad, learned counsel for the petitioner, Mr. Arvind Kumar Singh, learned counsel for the informant and Mr. Ramchandra Sahni, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Maharajganj P. S. Case No. 64 of 2021 registered for the offences punishable under Sections 363, 365, 364, 302 and 201 read with 34 of the Indian Penal Code.



As per the prosecution case, it is alleged that on 04.03.2021 at about 07:00 P.M. the son of the informant aged about ten years was found disappeared. The informant searched his son but could not traced out. The informant informed the villagers but his son was not found, he suspected that his son might have been kidnapped.

Learned counsel appearing on behalf of the petitioner submitted that the F.I.R. has been instituted against unknown persons and though further statement of the informant has been recorded but he has not raised any suspicion again this petitioner and other co-accused persons, however, later on during the course of investigation it has come that some spy has disclosed the complicity of the petitioner and other accused persons. It is further submitted that the dead body of the victim boy was recovered in a well of the village on 05.03.2021 and in the post mortem report it has come that the cause of death is asphyxia due to drowning.

On the other hand, learned counsel for the informant vehemently opposes the bail application and submits that the occurrence has taken place by the petitioner and other co-villagers because of the old animosity between the parties and the informant suspected their hands in the murder of his



son.

Learned APP also opposes the bail application and submits that during the course of investigation ample material has come, which suggests the complicity of this petitioner in the present occurrence.

Having considered the submissions made on behalf of the parties and taking into account the fact that the F.I.R. has been instituted against unknown person and during investigation except suspicion nothing has come, which suggests the complicity of this petitioner and further there is no eye-witness to the alleged occurrence; apart from the fact that the dead body of the victim has been recovered on 05.03.2021 from a well and after post mortem it has been found that the cause of death is asphyxia due to drowning and there is no other external injuries found over the body of the deceased. Further, this petitioner is in custody since 08.03.2021 and moreover, the investigation has already been completed and the charge-sheet has been submitted in this case, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate V, Siwan in connection with Maharajganj P. S. Case No. 64 of



2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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