

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8487 of 2021

Arising Out of PS. Case No.-141 Year-2020 Thana- CHANDAN District- Banka

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1. Naresh Yadav @ Manjhi, aged about 49 years, male, Son of Dharm Yadav.
 2. Radhey Yadav @ Manjhi, aged about 45 years, male, Son of Dharm Yadav.
 3. Pawan Yadav, aged about 23 years, male, Son of Naresh Yadav @ Manjhi.
 4. Shankar Yadav, aged about 45 years, male, Son of Bhimal Yadav.
 5. Mukesh Yadav, aged about 40 years, male, Son of Dhari Yadav.
 6. Surendra Yadav, aged about 36 years, male, Son of Dhari Yadav.
 7. Paltu Yadav, aged about 70 years, male, Son of Bachu Yadav.

All are resident of Village- Manjhidi (Nanuakura), Police Station - Chandan, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Adv.

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 10-02-2022 Heard Mr. Ajay Mukherjee, the learned Advocate

for the petitioners and Mr. Nirmal Kumar Sinha, the learned

APP for the State.

The petitioners seek bail in anticipation of their

arrest in connection with Chandan (Anandpur) P.S. Case No.



141 of 2020, dated 30.07.2020, instituted for the offences under Sections 302 and 201/34 of the Indian Penal Code.

It has been alleged in the F.I.R. that the nephew of the informant was found dead in the village. The informant has suspected the hands of the petitioners for the reason that they had earlier threatened him and his family members of dire consequences because of the property dispute.

The counsel for the petitioners has submitted that but for the aforesaid suspicion in the mind of the informant, no tangible material could be collected up-till-now for blaming them for the death of the deceased. The informant in his further statement has stated that when he went to the place where the dead-body of his nephew was lying, he found the petitioners running away. Similar is the statement made by the father of the deceased, who claims to have learnt from the villagers and from the informant about the deceased having been killed. It has further been submitted that there is no doubt about a dispute between the parties with respect to property but that, perhaps, is the only impelling circumstance for the petitioners to claim that they



have been falsely implicated and for the informant to suspect their hands in the killing of the deceased.

In the entire case diary, it has been argued, nobody has come-up to disclose anything which could, in any manner, implicate the petitioners in this case. The only circumstance which has up-till-now come in the police papers is that the petitioners have absconded after the lodging of this case. It has further been submitted that this is because of the fear of being arrested on account of their names being falsely taken by the informant in this case.

No doubt, an eight years old boy has been killed, but for the paucity of any evidence indicating the guilt of the petitioners, it is difficult for this Court to disallow their prayer for grant of anticipatory bail. Considering this aspect of the matter, this Court had called for the case diary and had granted *provisional bail* to the petitioners *vide* order dated 17.12.2021.

On perusal of the case diary, no tangible material appears to have been collected which could bring home the charges against the petitioners.



For the reasons afore-stated, the provisional bail granted to the petitioners by order dated 17.12.2021 is, hereby, confirmed. They shall remain on the same bail-bonds.

However, the petitioners shall participate in the investigation and if the case goes to trial, they shall participate in the same. Any attempt on their part to either tamper with the evidence or threatened/intimidate the witnesses of the informant or to disturb the pace of trial, it would be open for the informant or the investigator or the Court below to proceed for cancellation of bail of the petitioners forthwith.

The applications stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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