

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10101 of 2022**

Arising Out of PS. Case No.-97 Year-2021 Thana- BISHWAMBHARPUR District-  
Gopalganj

RAMBHAROSHA YADAV Son of Rudal Yadav Resident of Village - Sipaya  
Khash, P.s.- Bishambharpur, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with  
**CRIMINAL MISCELLANEOUS No. 21094 of 2022**

Arising Out of PS. Case No.-97 Year-2021 Thana- BISHWAMBHARPUR District-  
Gopalganj

SANJAY YADAV Son of Goverdhan Yadav Resident of Village - Shipaya  
Khas, P.S. - Bishambharpur, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with  
**CRIMINAL MISCELLANEOUS No. 50818 of 2022**

Arising Out of PS. Case No.-97 Year-2021 Thana- BISHWAMBHARPUR District-  
Gopalganj

Munna Yadav Son Of Late Brijraj Yadav Village Khem Matihiniya, P.S.  
Bishambharpur, Dist. Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**  
(In CRIMINAL MISCELLANEOUS No. 10101 of 2022)  
For the Petitioner/s : Mr.Harendra Prasad, Advocate  
For the Opposite Party/s : Mr.APP  
(In CRIMINAL MISCELLANEOUS No. 21094 of 2022)  
For the Petitioner/s : Mr. P.K. Shahi, Sr. Advocate  
For the Opposite Party/s : Mr.Akbar Ali, APP  
(In CRIMINAL MISCELLANEOUS No. 50818 of 2022)  
For the Petitioner/s : Mr.Harendra Prasad, Advocate  
For the Opposite Party/s : Mr.Binod Kumar, APP



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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      30-09-2022                      Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Bishambharpur P.S. Case No. 97 of 2021 registered for the offence under Section 364/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 16.08.2021.

The allegation against the petitioner is to kidnap and commit murder of the brother of the informant, for previous enmities arises out of love affairs.

Learned counsel appearing on behalf of the petitioner submitted that informant is not the eye witness of the occurrence, even of kidnapping, where entire implication is based upon hearsay input of one Rani Devi. It is submitted that as entire implication is based upon suspicion, as younger brother of the informant, having love affairs with one Anshu Kumari, who is the daughter of one Rudal Yadav. It is further submitted that petitioner is the uncle, having no connection with the affairs



of the family and further nothing surfaced, during course of investigation, to connect him with present set of occurrence. It is also submitted that similarly situated co-accused person has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 63204 of 2021 vide order dated 18.11.2021. While concluding the argument, it is submitted that investigation in this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence..

Learned APP, while opposing the prayer of bail, fairly conceded the fact that informant is not the eye witness of the occurrence.

Considering the facts and circumstances as mentioned above, as informant is not the eye witness of the occurrence, where allegation against this petitioner is based upon suspicion coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bishambharpur P.S. Case No. 97 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-X, Gopalganj/concerned court, subject to the conditions as laid



down u/s 437(3) of the Cr.P.C.

**Cr. Misc. No. 21094 of 2022**

Heard learned senior counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Bishambharpur P.S. Case No. 97 of 2021 registered for the offence under Section 364/34 of the Indian Penal Code and later on section 302 of the I.P.C. was added.

The accused/petitioner is not named in the F.I.R. and is in custody since 27.12.2021.

The allegation against the petitioner is to kidnap and commit murder of the brother of the informant, for previous enmities arises out of love affairs.

Learned senior counsel appearing on behalf of the petitioner submitted that petitioner is not named in the FIR and his name surfaced, during the course of investigation, as suspicion was raised by certain unknown villagers, for the reason, that this petitioner found involved in disposing of the dead body of the brother of the informant. It is submitted that



maximum allegation surfaced against this petitioner is of disappearance of evidence. It is further submitted that informant is not the eye witness of the occurrence and entire allegation is founded over suspicion. It is also submitted that name of this petitioner surfaced on the basis of confessional statement of co-accused, Umesh Yadav, where nothing surfaced/recovered, during the course of investigation, to connect this petitioner, *prima facie*, with present set of occurrence. While concluding the argument, it is submitted that investigation in this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence..

Learned APP, while opposing the prayer of bail, fairly conceded the fact that informant is not the eye witness of the occurrence.

Considering the facts and circumstances as mentioned above, as informant is not the eye witness of the occurrence, where allegation against this petitioner is founded over suspicion coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bishambharpur P.S. Case No. 97 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Chief Judicial Magistrate-X, Gopalganj/concerned court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

**Cr. Misc. No. 50818 of 2022**

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Bishambharpur P.S. Case No. 97 of 2021 registered for the offence under Section 364/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 03.08.2022.

The allegation against the petitioner is to kidnap and commit murder of the brother of the informant, for previous enmities arises out of love affairs.

Learned counsel appearing on behalf of the petitioner submitted that informant is not the eye witness of the occurrence, even of kidnapping, where entire implication is based upon hearsay input of one Rani Devi. It is submitted that nothing surfaced, during course of investigation, to connect this



petitioner, prima facie, with present set of occurrence. It is further submitted that, during course of investigation, supervising authority found as per Para-156 of the Case Diary that petitioner not appears involved in present occurrence. It is also submitted that similarly situated co-accused person has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 63204 of 2021 vide order dated 18.11.2021. While concluding the argument, it is submitted that investigation in this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence..

Learned APP, while opposing the prayer of bail, fairly conceded the fact that informant is not the eye witness of the occurrence.

Considering the facts and circumstances as mentioned above, as informant is not the eye witness of the occurrence, where allegation against this petitioner is based upon suspicion coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bishambharpur P.S. Case No. 97 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Chief Judicial Magistrate-X,  
Gopalganj/concerned court, subject to the conditions as laid  
down u/s 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

R.S.Sen/-

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