

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52745 of 2022

Arising Out of PS. Case No.-58 Year-2015 Thana- SINGHIYA District- Samastipur

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KAILASH YADAV @ KAILASH PATI YADAV SON OF SHRI SHIV
NARAYAN YADAV RESIDENT OF VILLAGE- WARD NO. 3, BEHAT,
JAHANGIRPUR, P.S.- SINGHIYA, DISTRICT- SAMASTIPUR, BIHAR-
848208

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shama Sinha, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-10-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 302 and 34
of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that her husband, father-in-law and brother-in-law were
residing at Delhi for their livelihood and her younger brother-in-
law, Ram Rai had come from Delhi and used to work with his
neighbour Ram Chandra Thakur, it is further alleged that on
28.03.2015 at about 10:00 pm while her brother-in-law along
with his friends Sachin Kumar, Shravan Rai and Navin were



taking meal, the informant went to the house of Ram Chandra Yadav for getting the mobile and while she was returning, she saw that her neighbour Sagar Yadav, petitioner and Santosh Yadav were assaulting her brother-in-law and took him to their courtyard and tied him to a cot but on intervention of nearby people, the matter was pacified. Further, it is alleged that the informant and her brother-in-law came and slept in the house and at 1:00 am, the accused persons including the petitioner came and called her brother-in-law on some pretext and thereafter her brother-in-law left but did not return till morning and on search his dead body was found.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that petitioner is a government servant and the police after investigation submitted final form but the learned trial court in a mechanical manner took cognizance of the offence under Section 302 and other allied sections of the IPC. It is next submitted that during the course of investigation it transpired that informant was having illicit relationship with one Sachin, friend of the deceased, which was being protested by the deceased on account of which the occurrence took place as such it were the informant and Sachin who had committed the



occurrence, it is also submitted that from perusal of the FIR it also manifests that informant is not an eyewitness to the occurrence.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Singhiya P.S. Case No. 58 of 2015 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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