

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58847 of 2021**

Arising Out of PS. Case No.-79 Year-2021 Thana- GOPALPUR District- Gopalganj

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BIGU GADDI S/o Late Hira Gaddi Resident of Village- Loh- Jira, P.S.-  
Manjhagargh, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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with  
**CRIMINAL MISCELLANEOUS No. 62882 of 2021**

Arising Out of PS. Case No.-79 Year-2021 Thana- GOPALPUR District- Gopalganj

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PAPPU GADDI @ PAPPU GADI Son of Sawarath Gaddi Resident of Village  
- Bargharia, P.S.- Barharia, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 58847 of 2021)

For the Petitioner/s : Mr.Harendra Prasad

For the Opposite Party/s : Mr.A.G.

(In CRIMINAL MISCELLANEOUS No. 62882 of 2021)

For the Petitioner/s : Mr.Javed Aslam

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

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

3      06-07-2022                      Heard learned counsel for the petitioners and learned  
APP for the State.

Let the defect (s), as pointed out by the office, be  
removed within a period of four weeks from the date of  
resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in  
connection with Gopalpur P.S. Case No. 79 of 2021 registered for



the alleged offences under Sections 302, 201 and 120-B/34 of the Indian Penal Code.

The prosecution case is that the petitioners and other co-accused persons took away husband of the informant and later on his dead body was found near the Gandak Canal. Allegedly the petitioners and other co-accused persons assaulted the husband of the informant and left his dead body floating in the Gandak Canal.

The learned counsel for the petitioners submits that the petitioners are quite innocent and have not committed any offence. There is no eye witness to the occurrence. Even from the FIR, it is apparent that there is no motive for the alleged occurrence. It is also clear that the petitioners and other co-accused persons are relatives of the informant and they went with him to explore the marriage prospects of the daughter of the deceased. The petitioners and other co-accused persons returned early but the deceased remained there as marriage was fixed. In fact the death of the husband of the informant was due to haemorrhage and shock from head injury which he might have sustained in accident otherwise there is no external injuries on the deceased except for head injuries. Learned counsel further submits that the petitioners are in custody since 21.04.2021 & 22.04.2021, respectively.

Learned APP for the State opposes the prayer for bail submitting that petitioners have been named accused in FIR itself



as the persons who caused death of the husband of informant.

Having regard to the submissions made hereinabove and considering the lack of cogent material against the petitioners except for the statement of the informant coupled with the opinion on cause of death in post-mortem report which supports the fact of husband of the informant might have received injuries in accident and further considering the period of custody, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Class, Gopalganj in connection with Gopalpur P.S. Case No. 79 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

Gautam/-

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