

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64114 of 2021

Arising Out of PS. Case No.-83 Year-2021 Thana- GOVINDPUR District- Nawada

RAMPRAVESH YADAV Son of Late Bhola Yadav Resident of Village-
Kolaja, P.S.- Govindpur, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar, Advocate
For the State	:	Mr. Ram Pravesh Yadav, APP
		Mr.Rajendra Singh, Addl. APP
For the Informant	:	Mr. Amit Kumar, No.-1, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 24-08-2022 Heard learned counsel for the petitioner 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 petitioner seeks bail in connection with Govindpur P.S. Case No. 83 of 2021 registered for the alleged offences under Sections 302, 201 and 120(B) of the Indian Penal Code.

As per prosecution case, the dead body of the brother of the informant was recovered and the head was found severed from the body. The informant alleged that the petitioner called his brother to show some land and further alleged that co-



accused persons slit the throat of his brother.

Learned senior counsel appearing on behalf of the petitioner submits that in the whole FIR, there is nothing against this petitioner except that the informant stated about petitioner calling the deceased for showing some land but no where it has come in the statement of any of the witnesses examined by the police that the petitioner was seen in the company of the deceased. Further, from the FIR, it is also clear that there was enmity between the deceased and other named accused persons but this petitioner has no concern with the co-accused Dular Yadav and others. The petitioner is not even a broker of land. Even the allegation that the informant apprehended the petitioner and handed him over to the police is false and fabricated because the petitioner was arrested by the police after lodging of the FIR. During the course of investigation, no eye witness to the alleged occurrence was found and in fact nothing was found during investigation to connect the petitioner with the alleged occurrence. Learned counsel further submits that other similarly placed co-accused persons namely, Ravindra Yadav, Pankaj Yadav and Pandit Yadav have been granted bail vide order dated 26.04.2022 passed in Cr. Misc. No. 49375 of 2021 and order dated 10.08.2022 passed in Cr. Misc. No. 28202 of



2022. Charge sheet has been submitted in this case and the petitioner is in custody since 09.04.2021.

Learned APP for the State as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the petitioner is named in the FIR. After he was apprehended, the dead body was recovered. The petitioner conspired with the other co-accused persons and subsequently the brother of the informant was killed.

Perused the records.

Having regard to the facts and circumstances and the submission made on behalf of the parties and further considering the distinct lack of material against this petitioner to connect him with the alleged occurrence of murder of brother of the informant and further considering his period of custody as well as submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Nawada in connection with Govindpur P.S. Case No. 83 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following



conditions:

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

(Arun Kumar Jha, J)

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