

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66562 of 2021

Arising Out of PS. Case No.-162 Year-2021 Thana- MANIGACHI District- Darbhanga

1. Lal Kumar Yadav @ Lal Yadav Son Of Ganga Yadav Resident Of Village- Chanour, P.S- Manigachhi, Dist- Darbhanga
2. Bhutkun Yadav @ Raj Kumar Yadav Son Of Ganga Yadav Resident Of Village- Chanour, P.S- Manigachhi, Dist- Darbhanga
3. Sunil Yadav Son Of Ganga Yadav Resident Of Village- Chanour, P.S- Manigachhi, Dist- Darbhanga
4. Anil Yadav Son Of Ganga Yadav Resident Of Village- Chanour, P.S- Manigachhi, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashish, Advocate
For the Informant	:	Mr.Raj Kumar Rajesh, Advocate
For the Opposite Party/s	:	Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-04-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in a case registered for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioner nos. 1 and 2 are in custody since 20.07.2021, petitioner nos. 3 and 4 are in custody since 12.08.2021 and 26.08.2021 respectively, are persons with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioners submits that the



informant alleges that her son was sitting on a motorcycle belonging to the accused Ram Yadav, further while alighting, the motorcycle fell on which Ram, Vijay and Pappu brutally assaulted her son but somehow he was saved and he came home. Thereafter it is alleged that the accused petitioners along with their family members came to the house of the informant and entered the house after scaling the wall and again brutally assaulted the deceased and strangled him to death by a silver chain wore by the deceased and on alarm being raised, the informant reached her house and saw the accused persons leaving the place of occurrence.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is submitted that it absolutely does not stand to reason that the deceased would have been so brutally assaulted by the petitioner including their family members only for the reason that while alighting from the bike, the bike fell. Learned counsel for the petitioners further submits that the informant has alleged as if she was an eye-witness to the occurrence but from perusal of the F.I.R. itself it would manifest that the informant is not an eye-witness to the occurrence and as such alleging that the petitioner along with the entire family members killed the deceased by strangulating him appears to be a very general and omnibus



allegation.

Learned counsel for the petitioners submits that petitioner nos. 2, 3 and 4 are persons in the age group of 47 to 52 years of age and are persons with clean and antecedent and it absolutely does not stand to reason that for such a petty reason the petitioners would have scaled the wall of the informant, reached the place of occurrence and thereafter killed the deceased.

Learned counsel for the informant and learned A.P.P. for the State vehemently oppose the prayer for bail of the petitioners.

Learned counsel for the informant submits that during the course of investigation it has come that witnesses have seen the accused persons committing the occurrence and further even at the place of occurrence the wall was found broken along with the gate.

Learned counsel for the petitioners rebuts the submissions made by the learned counsel for the informant and submits that had anyone in the village seen the occurrence then definitely the informant would have been informed about the same as the occurrence is alleged to have taken place in between 7:30 to 8:00 am in the morning and again from 7:30 to 8:00 pm



in the evening and information about the occurrence was given on the same day at 9:10 pm as such if anyone had seen the occurrence then definitely they would have informed the informant but the F.I.R. does not even remotely reflect that anyone in the village had seen the accused persons committing the occurrence. Further the learned counsel for the informant is not able to meet the submissions of the learned counsel for the petitioner that the informant is not an eye-witness to the occurrence.

Considering the fact that the petitioners are in custody, charge-sheet has been submitted in the case, the petitioners are persons with clean antecedent and taking into consideration the submissions made by the learned counsel for the petitioners, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each 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 Manigachhi P.S. Case No. 162 of 2021.

(Satyavrat Verma, J)

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