

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69306 of 2021

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

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Dular Yadav, Son of Late Kamal Yadav Resident of Village- Maheshpur, P.S.-
Govindpur, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 8548 of 2022

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

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Ranjeet Choudhary Son Of Basudeo Chaudhary R/O Village- Bakshauti, P.S.-
Gobindpur, Dist. - Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 69306 of 2021)

For the Petitioner/s	:	Mr.Birendra Kumar, Advocate
For the Opposite Party/s	:	Mr.Yogendra Kumar Singh,APP
For the informant	:	Mr. Anil Kumar No-1 Advocate
		Mrs. Sonam Kumari, Advocate

(In CRIMINAL MISCELLANEOUS No. 8548 of 2022)

For the Petitioner/s	:	Mr.Vishwa Ranjan Choudhary,Advocate
For the Opposite Party/s	:	Mr.Rana Randhir Singh,APP
For the informant	:	Mr. Anil Kumar No-1 Advocate
		Mrs. Sonam Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-09-2022 Since both the cases arise out of Govindpur P.S. Case

No. 83 of 2021 as such, they have been heard together and are

being disposed of by this common order.

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 S. Tr. No. 240 of 2021 arising out of Govindpur P.S. Case No. 83 of 2021 registered for the alleged offences under Sections 302, 201, 120(B) and 34 of the Indian Penal Code.

As per prosecution case, the dead body of the brother of the informant was found with severed head. The informant alleged that the petitioners were involved in committing murder of the brother of the informant along with co-accused Ram Pravesh Yadav who called the brother of the informant on pretext of showing him some land.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. There is no eye witness to the alleged occurrence and the petitioners have been named in this case merely on suspicion. Even during course of investigation, no material has come up against the petitioners. The case against the petitioners is based merely on suspicion raised by the informant that five days prior to the occurrence, the deceased was threatened by the petitioner Dular Yadav, due to previous enmity. No complaint was made to the police. Charge sheet has been submitted in this case and the



petitioners are in custody since 23.06.2021 and 27.10.2021, respectively. It has also been submitted on behalf of the petitioners that other co-accused persons namely Ram Pravesh Yadav, Ravindra Yadav, Pankaj Yadav and Pandit Yadav Have been granted bail by the this Bench and different Coordinate Benches vide order dated 24.08.2022 passed in Cr. Misc. No. 64114 of 2021, vide order dated 26.04.2022 passed in Cr. Misc. No. 49375 of 2021 and vide order dated 10.08.2022 passed in Cr. Misc. No. 28202 of 2022. The case of the petitioners is similarly placed.

Learned APP for the State as well as learned counsel appearing on behalf of the informant vehemently oppose the prayer for bail of the petitioners submitting that the petitioners conspired together with other co-accused persons and murdered the brother of the informant by slitting his neck.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and also the fact that no substantive material has come up against the petitioners showing their involvement in the murder of the brother of the informant and also considering their period of custody along with submission of charge sheet, 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 Additional Sessions Judge-10th, Nawada in connection with S. Tr. No. 240 of 2021 arising out of 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) The bail bond of the petitioners will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioners.
- (iii) The petitioners will remain present on each and every date fixed by the court below.
- (iv) In case of absence on 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)

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