

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72143 of 2021

Arising Out of PS. Case No.-63 Year-2016 Thana- KAHALGAON District- Bhagalpur

Pramod Yadav Son of Kamleshwari Yadav Resident of Village- Khuthari,
P.S.- Kahalgaon, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sourendra Pandey, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 17-10-2022 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.

In the present case, the petitioner seeks bail in
connection with Kahalgaon P.S. Case No. 63 of 2016 registered
for the alleged offences under Sections 302, 201 and 34 of the
Indian Penal Code.

As per prosecution case, the dead body of a girl was
recovered from a mango orchard. During investigation, it came
to the knowledge that the petitioner was involved in the murder
of the young girl aged about 18-20 years.

Learned counsel for the petitioner submits that F.I.R.
has been filed against unknown. During investigation, police



recorded statement of one Sapan Kumar Dey who happens to be the father of the girl whose dead body was recovered. Later on, another dead body was recovered which was stated to be the dead body of the mother of the deceased girl and Kahalgaon P.S. Case No. 67 of 2016 was registered for the same and on the same facts, the petitioner was made accused in that case as well and he was granted anticipatory bail by a Coordinate Bench vide order dated 25.10.2018 passed in Cr. Misc. 54612 of 2018. The petitioner is being made accused only because of the fact that he knew the victim and her family. There is no supportive evidence to connect the petitioner with the alleged crime. The petitioner was not even present during the relevant period at the place of occurrence as it has come during investigation that he had gone to Aurangabad. No specific allegation of any overt act has been attributed to this petitioner. Co-accused Uday Mandal has been granted bail and investigation was kept pending against this petitioner. The petitioner was not even aware that he has been made accused in the present case. Charge sheet has been submitted in this case and the petitioner is in custody since 31.08.2021

Learned APP for the State opposes the prayer for bail of the petitioner submitting petitioner was in relationship with



the mother of the deceased and owed her money and in order to get rid of the mother of the deceased, he also murdered her.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and further considering the nature of allegation which is quite vague and absence of any material to connect the petitioner with the offences as alleged, 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 Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon P.S. Case No. 63 of 2016, 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)

Gautam/Daya

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