

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1926 of 2022**

Arising Out of PS. Case No.-174 Year-2020 Thana- AGIAON District- Bhojpur

NIRMAL YADAV @ KUMAR NIRMAL S/O LATE VIJENDRA SINGH
R/O VILLAGE- NAHASI, P.S.- GARAHANI, DISTRICT-BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gautam Kumar Yadav, Advocate
For the Informant	:	None
For the Opposite Party/s	:	Mr. Ram Sumiran Rai, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 25-05-2022 On 24.05.2022 no one had appeared on behalf of the informant. Today, also no one appeared on behalf of the informant.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 02.11.2021, charge-sheet has been submitted and has antecedent of one case.

The informant alleges that his son Saurabh Raj @



Ravi Yadav (deceased) along with Nirmal Yadav (petitioner) and Mohan Rai went to attend the Shradh ceremony at village Manduri and from there the deceased along with the petitioner came to village Nasahi and from there the deceased came on bike along with Dipu Kumar to village Sahangi and then from there the deceased became traceless. It is alleged that a call came on the mobile of the wife of the deceased from the mobile of an unknown person at about 08:30 p.m. which created suspicion in the mind of the family and they started searching the deceased. It is alleged that on the next morning, the dead body of the deceased was found at village Ramdihra and having marks of violence, sharp cut injury and firearm injury.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that the deceased had accompanied the petitioner and Mohan Rai for attending a Shradh ceremony that in itself demonstrates that neither the informant nor the deceased had any apprehension from the petitioner, as such, he accompanied him along with Mohan Rai. It is next submitted that the petitioner accompanied the deceased up till village Nasahi and from there the deceased had accompanied Dipu Kumar to village Sahangi, as such, even as per the allegation as alleged in the FIR the



deceased was last seen with Dipu Kumar. Learned counsel next submits that the name of the petitioner transpired during the course of investigation as in the investigation it has come that the deceased was having illicit relationship with the daughter of the petitioner on account of which a conspiracy was hatched to kill him. Learned counsel submits that if the deceased was having an illicit relation with the daughter of the petitioner then definitely the deceased would not have accompanied the petitioner willingly for attending the Sharadh ceremony. It is next submitted that since the wife of the petitioner is Pramukh, as such, the petitioner by way of afterthought has been implicated, when in the FIR there is not even a remote suspicion against him. It is next submitted that except suspicion, there is nothing in the investigation to connect the petitioner with the offence nor there is any eyewitness to the occurrence. It is next submitted that co-accused Sushil Kumar @ Sushil Singh and Jimi Yadav @ Vivek Kumar have been granted bail by order dated 16.05.2022 in Cr. Misc. No. 69309 of 2021 and Cr. Misc. No. 70699 of 2021 respectively.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner but is not able to meet the submission of the learned counsel for the petitioner that the



entire allegation hinges around suspicion and co-accused have been granted bail.

Considering the fact that the petitioner is in custody since 02.11.2021, charge-sheet has been submitted and the allegation hinges around suspicion and co-accused have been granted bail, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Agion (G) P.S. Case No. 174 of 2020.

(Satyavrat Verma, J)

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