

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1664 of 2022

Arising Out of PS. Case No.-321 Year-2011 Thana- BARACHATTI District- Gaya

1. Girdhari Yadav S/o Late Kayadi Yadav Resident of Village- Bangurua, P.S.- Barachatti, District- Gaya.
2. Mahendra Saw S/o Late Kesar Sao Resident of Village- Bangurua, P.S.- Barachatti, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan

For the Opposite Party/s : Mr. Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-05-2022 Heard learned counsel for the petitioners 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 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
petitioners are in custody since 17.08.2021, charge-sheet has
been submitted and are persons with clean antecedent.

Learned counsel for the petitioners submits that
informant alleges that his brother had gone to the village house



of Guru Sahay Singh on 21.09.2011 at village Nakteya and was missing since then. Further, after search, the dead body of the informant's brother was recovered from the well of Kailu Yadav. It is further alleged that the petitioners alongwith some other villagers forcibly cremated the body of the deceased.

Learned counsel for the petitioners submits that the informant is not an eye witness to the occurrence and the allegation is also based on suspicion as he had not seen the petitioners cremating the body rather alleges based on information. It is next submitted that similarly situated co-accused Ghanshyam Yadav was granted bail by order dated 09.08.2016 in Cr. Misc. No. 30891 of 2016.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioners and submits that the occurrence is of the year 2011 and the petitioners were arrested in the year 2021 i.e., after 10 years and if the petitioners are granted bail based on parity then again they will abscond.

Learned counsel for the petitioners rebuts the submission of learned APP and submits that he had absolutely no information that any case was pending against him nor the police made any effort to arrest them.

Considering the fact that the petitioners are in custody



since 17.08.2021, charge-sheet has been submitted and are persons with clean antecedent, petitioner no.1 (Girdhari Yadav) is 72 years of age and co-accused has been granted bail, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Barachatti P.S. Case No. 321 of 2011.

Further, if the learned Court below comes to a conclusion that the petitioners, after release, are trying to delay the trial of the case in any manner, the learned Court below shall forthwith cancel their bail bonds after recording reasons.

(Satyavrat Verma, J)

Ankit/-

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