

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18875 of 2022

Arising Out of PS. Case No.-59 Year-2013 Thana- JEHANABAD RAIL P.S. District- Patna

SARYUG YADAV S/o Siddeshar Prasad Resident of Village- Birra, P.S.-
Masaurhi, Dist- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha

For the Opposite Party/s : Mr.Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 10-01-2023 Heard the learned Senior Counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Rail Jehanabad (Taregana) P.S. Case No. 59 of 2013, registered for the offence punishable under Sections 302, 201 and 34 of the Indian Penal Code.

The case of the prosecution, in brief, is that the deceased, son of the informant, aged about 14-15 years, used to work as a labour at a brick kiln of one Vijay Prasad, as also used to load and unload bricks on the tractor and on 22.12.2013 at about 2:00 pm. in the afternoon, the petitioner



had taken the son of the informant to the brick kiln for the purposes of engaging him as a labour, on a tractor, however, subsequently, when the deceased did not come back, the informant had made enquiry and it transpired that the petitioner had also not come back, however, in the morning, the tractor in question was found to have fallen in a gorge 40 feet deep and the dead body of the deceased was found on a railway track, cut into two pieces.

The learned Senior Counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 3.7.2021. The learned Senior Counsel for the petitioner has further submitted that a bare perusal of the materials available in the case diary would show that there is no eye-witness to the alleged occurrence and at best, the present case can be stated to be a case of last seen, however, there is no motive in the present case for the



petitioner to have killed the deceased. It is further submitted that the deceased used to work as a labour at the brick kiln of Vijay Prasad and the petitioner had in fact facilitated a job for him at the said brick kiln.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials on record as also considering the materials available in the case diary, this Court finds that there is minuscule evidence on record so as to connect the petitioner with the alleged crime, apart from the fact that there is no eye-witness to the alleged occurrence as also the petitioner is having a clean antecedent and he is languishing in custody since 03.07.2021, hence, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is



directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Masaurhi at Patna in connection with Rail Jehanabad (Taregana) P.S. Case No. 59 of 2013.

(Mohit Kumar Shah, J)

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