

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32035 of 2023

Arising Out of PS. Case No.-83 Year-2022 Thana- DHANGAI District- Gaya

HARDEV YADAV S/O DALU YADAV R/O Village- Rebda, P.S- Dhangai,
Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar, Adv.
For the Opposite Party/s	:	Mr. Prem Kumar Jha, APP
For Informant	:	Mr. Sanjeev Kumar, Mr. Ritesh Kr. Nr. Singh, Advocates.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-07-2023 Heard Mr. Vijay Kumar, learned counsel for the petitioner, Mr. Prem Kumar Jha, learned additional Public Prosecutor for the State along with Mr. Sanjeev Kumar, learned counsel for the informant.

2. Petitioner seeks regular bail in connection with Dhangai PS Case No. 83/2022 dated 28.11.2022 registered for the offence punishable under sections 302, 201/34 of the IPC.

3. As per prosecution case on 27.11.2022 at about 7:00 PM, petitioner along with other co-accused persons altogether six in number arrived at the house of the informant and took her husband along with them on motorcycle. It is further alleged that informant's husband did not return in the night and in the morning, his dead body was found near a brick kiln.



4. Learned counsel for the petitioner submits that the petitioner is a co-villager of the informant and has falsely been implicated in this case due to previous land dispute between the parties. Referring the the postmortem report, learned counsel submits that the doctor has given cause of death as head and brain injury due to Road Traffic Accident. Accordingly, his submission is that the informant's husband has died due to road accident and no material has come against the petitioner to connect him with the present offence.

5. On the other hand, learned counsel for the informant vehemently opposed the prayer for bail and submitted that the petitioner along with others took away the husband of the informant and thereafter, his dead body was found. As such, the onus is upon the petitioner to explain the factum of death of the informant's husband. He further submits that the Dog Squad was called by the police during course of investigation who entered into the house of the petitioner. The CDR of the petitioner and that of deceased was also found at the same location.

6. In reply, learned counsel for the petitioner submits that even on the basis of the dog squad having entered into the house of the petitioner, no further material has been collected by



the police to connect him with the present offence and the cause of death has specifically been given by the doctor due to Road Traffic Accident.

7. Regards being had to the submissions made by the parties, taking into consideration the cause of death mentioned in the postmortem report and the fact that both the parties are co-villagers having land dispute and the petitioner is in custody since 29.11.2022, I am inclined to grant regular bail to the petitioner.

8. Accordingly, let the petitioner, HARDEV YADAV be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Kamlesh Kumar Singh, learned Judicial Magistrate- 1st Class, Sherghati at Gaya in connection with Dhangai PS Case No. 83/2022.

(Anil Kumar Sinha, J)

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