

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43664 of 2023

Arising Out of PS. Case No.-161 Year-2022 Thana- PIRI BAZAR District- Lakhisarai

BONU YADAV @ BONA YADAV S/O Ramotar Yadav, R/O Village-
Losghani Patel Nagar, P.S.- Piri Bazar, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 43948 of 2023

Arising Out of PS. Case No.-161 Year-2022 Thana- PIRI BAZAR District- Lakhisarai

KARELAL YADAV, Son Of Late Paddu Yadav, Resident Of Village-
Maniyarchak, Patel Nagar, Bagicha, P.S. - Piri Bazar, District - Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 43664 of 2023)

For the Petitioner/s : Mr. Binay Kumar, Adv.

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

(In CRIMINAL MISCELLANEOUS No. 43948 of 2023)

For the Petitioner/s : Mr. Umesh Prasad, Adv.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 25-07-2023 **1.** As both the criminal miscellaneous petitions have arisen out of same P.S. case, hence they are heard together and decided by a common order.
- 2.** Heard learned counsels for the petitioners and learned APPs for the State.
- 3.** Petitioners seek regular bail in connection with Piri



Bazar P.S. Case No. 161 of 2022, dated 18.11.2022 registered for the offence punishable under Section 302/34 of the Indian Penal Code.

4. The main submissions advanced by petitioners' counsels are that though these petitioners are named in the FIR but against them, informant merely raised suspicion on account of seeing the accused persons going towards the Cattle Shed (*Bathan*) of the deceased but the said allegation is completely false as according to the FIR the informant got the knowledge of commission of the alleged offence on the same night of the occurrence but he did not take any legal step and when police gave the information of the alleged incident to the uncle of the informant thereafter the informant took step to lodge the FIR and the said fact itself casts a serious doubt on the allegations levelled by him in the FIR. Further submissions are that the petitioner No. 1 has been languishing in jail since 06.04.2023 having fair and clean antecedent while petitioner No. 2 has been languishing in jail since 03.04.2022 and against him there is criminal antecedent of one case in which he is on bail and one similarly situated co-accused person namely, Haricharan Yadav @ Harichandran Yadav has been granted bail by co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 23535 of



2023 and against the petitioner investigation has been completed.

5. Learned APPs appearing for the State have opposed the prayer for bail of the petitioners.

6. Having regard to the facts and circumstances of this case, considering the above submissions and mainly the facts that the informant merely raised suspicion against these petitioners being involved in the murder of his father on account of these petitioners and other co-accused persons going towards the Cattle Shed (*Bathan*) of the deceased and the FIR goes to show that the informant was not the eye-witness of the alleged occurrence and one similarly situated co-accused person mentioned-above is on bail, in my opinion, it is a fit case for bail to the petitioners. Accordingly, let both the petitioners named-above be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Piri Bazar P.S. Case No. 161 of 2022.

(Shailendra Singh, J.)

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