

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43750 of 2023

Arising Out of PS. Case No.-340 Year-2020 Thana- SUPAUL District- Supaul

1. Krishnadeo Yadav @ Krishna Dev Yadav Son Of Tunay Yadav Resident Of Village- Bishanpur Hardi West Ward No. 04, Ps- Supaul, District- Supaul
2. Vijay Yadav Son F Kari Prasad Yadav Resident Of Village- Bishanpur Hardi West Ward No. 04, Ps- Supaul, District- Supaul

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Bhaskar Shankar, Advocate
For the Opposite Party : Mr. Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehends arrest in connection with Supaul P.S. Case No. 340 of 2020 dated 25.05.2020, instituted for the offence punishable under Sections 302 and 379/34 of the Indian Penal Code.

3. The case of prosecution, in short, is that on 24.05.2020, at about 07:00 – 08:00 pm, while the informant's nephew has been returning home on his bike, two named accused persons along with four unknown miscreants killed him by strangling. It is further alleged that few minutes after the occurrence, the informant reached the place of occurrence and



saw six persons fleeing on bike from the place of occurrence.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. It is submitted that the petitioners are not named in the case and only on the basis of confessional statement of one Shiv Kumar Sada they have been made accused in this case. It is further submitted that the said Shiv Kumar Sada has filed a complain, bearing Complain Case No. 28 of 2021 on 02.06.2021, in which he stated that he was abducted by the Police in collusion with other accused persons and he was forced to name the petitioners and other in the present case. The petitioners were witnesses in Supaul P.S. Case No. 19 of 1999, which was instituted under Section 302 of the Indian Penal Code. Further, it is submitted that in the said case one Pinku Yadav was also an accused and the petitioners have been implicated in this case on the instigation of Pinku Yadav. Lastly, it has been submitted that there is no eye-witness to the occurrence in this case and the petitioners have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Supaul P.S. Case No. 340 of 2020, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Supaul, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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