

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49690 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- AKBARNAGAR District- Bhagalpur

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ROHIT YADAV S/O SHALIGRAM YADAV Resident of Village- Mirhatti,
P.S.- Sultanganj, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 49784 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- AKBARNAGAR District- Bhagalpur

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ANIKET @ KRISHNAZEET YADAV Son of Anil Yadav @ Digo Yadav
Resident of Village - Srirampur, P.s.- Akbarnagar, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 49690 of 2022)

For the Petitioner/s : Mr.Rajive Ranjan Singh

For the Opposite Party/s : Mr.Bhanu Pratap Singh

(In CRIMINAL MISCELLANEOUS No. 49784 of 2022)

For the Petitioner/s : Mr.Surya Narayan Yadav

For the Opposite Party/s : Mr.Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 24-02-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioner has prayed for bail in a case instituted
for the offence under Sections 363 and 365 of the Indian Penal
Code and later on Sections 302, 201, 120(B) were further
added.



As per allegation in the FIR, there is a matter of triangle love story and deceased subham was creating hurdle in between girl and her beloved. Petitioners in connivance with other accused persons killed the son of the informant, namely subham and thrown out the dead body with a view to wipe out the evidence and during search, his body was found in decomposed position.

It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case. They are not named in the FIR. There is no eye witness of the alleged occurrence. During investigation, name of the petitioner surfaced in confessional statement of co-accused before the police, which has no evidentiary value in the eye of law. They have committed no offence. Only on the basis of suspicion, their names have been dragged in the present case. Similarly situated two co-accused persons have granted bail by different co-ordinate Bench of this Court vide order dt. 9.12.2022 passed in Cr. Misc. No. 51471 of 2022 and vide order dt. 23.12.2022 passed in Cr. Misc. No. 68894 of 2022. Petitioners are languishing in judicial custody for more than six months.

The application for bail is opposed by learned APP for the State.



Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate IX, Bhagalpur in connection with Akbarnagar P.S. Case No. 31 of 2022.

(Sunil Kumar Panwar, J)

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