

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56928 of 2022

Arising Out of PS. Case No.-137 Year-2022 Thana- BAISI District- Purnia

Pankaj Yadav @ Pankaj Kumar Yadav Son Of Pop Lal Yadav R/O Village-
Khutia, P.S.- Bausi, Distt.- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 57617 of 2022

Arising Out of PS. Case No.-137 Year-2022 Thana- BAISI District- Purnia

1. Raj Kumar Yadav Son of Lal Chand Yadav Resident of village- Khutia, P.S-
Baisi, District- Purnia
3. Satrugghan Yadav Son of Late Kalu Lal Yadav Resident of village- Khutia,
P.S- Baisi, District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 56928 of 2022)

For the Petitioner/s : Mr. Sada Nand Roy, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 57617 of 2022)

For the Petitioner/s : Mr. Vikramdeo Singh, Advocate

For the Informant/s : Dr. Bidhu Ranjan, Advocate

For the Opposite Party/s : Mrs. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 28-02-2023 As both the criminal miscellaneous petitions have
arisen out of same P.S. case, hence they are being taken up and
decided together.

Let the defect(s), if any, pointed out by the office be
removed within three weeks from the date of this order, failing



which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsels for the petitioners, learned counsel for the Informant and the learned APPs for the State.

Petitioners seek regular bail in connection with Baisi P.S. Case No.137 of 2022 registered for the offences punishable under Sections 363, 364, 302, 201, 34 and 120(B) of the Indian Penal Code.

As per the prosecution, the informant's minor son namely Anshu went missing and thereafter his dead body was recovered from a river.

It is submitted by the learned counsel for the petitioner Pankaj Yadav @ Pankaj Kumar Yadav that the said petitioner has fair and clean antecedent and during investigation all the witnesses except one witness namely Gulab Chand Yadav stated that they came to know about the alleged occurrence but they did not claim to have seen this petitioner and other petitioners committing the alleged occurrence and the name of witness Gulab Chand Yadav does not find place in the FIR and the FIR was lodged merely on suspicion and the petitioner Pankaj Yadav is not named in the FIR and admittedly there was a land dispute in between both the parties when the FIR was



lodged and there is no eye witness of the alleged occurrence of murder.

It is submitted by learned counsel for the petitioner Raj Kumar Yadav and Satrugan Yadav that both the petitioners have fair and clean antecedent and there is no direct or indirect evidence against the petitioners though they are named in the FIR but mainly on the basis of suspicion they have been roped in this case and there was a partition dispute in between both the parties when the FIR was lodged and the instant case is based on circumstantial evidence and the petitioners have been languishing in jail since 08.04.2022.

Learned counsel appearing for the Informant has vehemently opposed the bail prayer of all the petitioners and submitted that a small child aged about 5 years was murdered by the petitioners on account of land dispute which was admittedly running when the FIR was lodged and as per the inquest report the victim was killed and thereafter his body was thrown in the river.

Learned APPs appearing for the State have also opposed the bail prayer.

Considering the aforesaid facts and mainly the facts that admittedly there was not good relation in between the



petitioners and the prosecution party and during investigation only one witness who happens to be close relative of the informant claimed to have seen the victim going with some of the petitioners just before the commission of the alleged occurrence and accordingly the instant matter relates to the last seen of the victim with the accused persons and the allegation is based on suspicion and there is no direct evidence to show the petitioners' involvement in the alleged crime and moreover as per postmortem report the deceased's death was opined to be due to drowning, in the opinion of this Court a lenient approach can be taken in respect of the petitioners' prayer, let the petitioners 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 the concerned Court in connection with Baisi P.S. Case No.137 of 2022.

(Shailendra Singh, J)

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