

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67083 of 2022

Arising Out of PS. Case No.-220 Year-2022 Thana- KATEYA District- Gopalganj

1. Satan Yadav S/O Rajavali Yadav Resident of Village- Samogar, P.S.- Kateya, District- Gopalganj.
2. Dinesh Yadav S/O Satyendra Yadav Resident of Village- Samogar, P.S.- Kateya, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishwajeet Kumar Mishra, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 02-05-2023 Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

Let the defect(s), as pointed out by the office, if any, be removed within a period of four weeks from today.

At the outset, learned counsel for the petitioner submitted that inadvertently, the father's name of petitioner no. 2 in the bail petition has been wrongly typed as 'Satyendra Yadav' instead of 'Satan Yadav'.

Accordingly, learned counsel for the petitioner is permitted to make necessary correction, during the course of the day itself.



The accused/petitioners are named in F.I.R. and apprehending their arrest in connection with Kateya P.S. Case No. 220 of 2022, registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

The allegation against above named petitioners is to commit murder of husband of informant by means of sharp edge cut weapon on intervening night of 24.05.2022, while he was sleeping in his room.

Learned counsel appearing on behalf of the petitioners submitted that admittedly, informant is not the eye witness of the occurrence and reason for naming these petitioners is merely suspicion, as they raised demand to return the loan advanced to deceased husband of informant. It is also submitted that even petitioners are not the exclusive persons with whom such financial transaction was alleged to be made rather deceased involved with several persons in financial transactions. While concluding the argument it is submitted that petitioners are men of clean antecedent.

Learned APP, while opposing the prayer of bail fairly conceded the fact that informant is not the eye witness of the occurrence, where implication is based upon suspicion.

Considering the aforesaid facts and circumstances



and by taking note of the fact that save and except suspicions, nothing surfaced against these petitioners till now, during the course of investigation, let, all the above named petitioners, in the event of their arrest or surrender before the Court below within a period of four weeks of the order, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, District- Gopalganj/concerned Court, where the case is pending in connection with Kateya P.S. Case No. 220 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., and also the following conditions:-

“(i) That accused/petitioners shall join investigation, as and when required.

(ii) That accused/petitioners shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioners.

(iii) That accused/petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioners, duly supported by the



documents.

(iv) That one of the bailors shall be deponent of the present bail petition.”

The presence of I.O. of this case is dispensed with.

(Chandra Shekhar Jha, J)

Archana/-

U		T	
---	--	---	--

