

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20208 of 2024

Arising Out of PS. Case No.-1002 Year-2023 Thana- FORBESGANJ District- Araria

Yugesh Kumar @ Jubesh Kumar @ Jugesh Kumar S/o Ajay Bishwas R/o vill
- Majhua, ward no. 7, Tola - Berwa, P.S. Forbesganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kanchan Jha, Adv.

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 14-05-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Forbesganj P.S. Case No. 1002 of 2023 instituted for the offences under Sections 302, 201 and 120B of the Indian Penal Code.

3. The allegation against the accused persons including the present petitioner is of committing murder of the Informant's minor daughter and, thereafter, hanging the dead-body with a tree.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the



present case. There is an admitted land dispute and enmity between the parties. There was a love affair between the petitioner and the Informant's daughter. Learned counsel for the petitioner further submits that as a matter of fact, the Informant party tried the deceased to leave relationship with the petitioner and when the deceased refused for the same, the Informant party killed the deceased and hanged the dead body near the house of the petitioner to falsely implicate the petitioner in this case. There is no eye-witness to the alleged occurrence. The petitioner is not named in the F.I.R. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 13.11.2023 and the charge-sheet after investigation has been submitted in this case.

5. On the other hand, the learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the allegation made against the petitioner is serious in nature. The postmortem report supports the prosecution case wherein the doctor has opined the cause of death of the deceased due to Asphyxia as a result of hanging. He further submits that there was a knot of *Gamcha* in the neck of



the deceased and a black T-shirt of the petitioner was tied with the waist of the Informant's daughter.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail *after framing of charge, if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Forbesganj P.S. Case No. 1002 of 2023, subject to following conditions;

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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