

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25691 of 2024

Arising Out of PS. Case No.-327 Year-2022 Thana- KONCH District- Gaya

Ramvilash Yadav Son of Late Mungeshwar Yadav Resident of Village-
Shitalgarh, P.S.- Anti, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Adv.

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

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

ORAL ORDER

3 28-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Konch P.S. Case No. 327 of 2022 instituted for the
offences under Section 302, 201, 34 of the Indian Penal Code.

3. As per prosecution case, as per F.I.R., is that on
16.07.2022 at about 11:00 PM, the co-accused Amit Kumar
called on the mobile of the brother of the Informant and
thereafter he along with 4-5 unknown persons killed his brother
by strangulating his neck and, thereafter, cut his neck and threw
the same 7 KM away from his house near Amba canal.

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. He further submits that there is no direct or specific allegation of any overt act against the petitioner rather the same is on co-accused Amit Kumar who had called his brother through mobile and, subsequently, the dead body was found. Actually, the death of the deceased has occurred due to the train accident and falsely the petitioner has been falsely implicated in the present case. There is no eye-witness to the alleged occurrence. Both the parties are co-villagers. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent. Charge-sheet has been submitted in this case.

5. Learned counsel for the petitioner again submits that the co-accused namely Surajmal Yadav @ Suryamal Yadav has been granted bail by this Court vide order dated 19.02.2024 passed in Cr. Misc. No. 81892 of 2024.

6. On the other hand, 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.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also the petitioner having no criminal antecedent and there



being no specific allegation against the petitioner, let the petitioner, abovenamed, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail 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 Konch P.S. Case No. 327 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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