

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27415 of 2024

Arising Out of PS. Case No.-23 Year-2024 Thana- NAWADA District- Nawada

Pankaj Kumar Son of Tulshi Yadav Resident of Village- Meghu Bigha, Police
Station- Nawada, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 55348 of 2024

Arising Out of PS. Case No.-23 Year-2024 Thana- NAWADA District- Nawada

Bablu Yadav Son of Late Gulab Yadav @ Gulab Prasad Resident Of Village-
Meghu Bigha, P.S.- Nawada, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 27415 of 2024)

For the Petitioner/s : Mr.Birendra Kumar, Adv.
Mr. Kumud Kishore, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 55348 of 2024)

For the Petitioner/s : Mr.Sheo Kumar Prasad, Adv.

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

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

5 02-09-2024 Heard the learned counsel for the petitioners as well

as the learned Additional Public Prosecutor for the State.

2. The petitioners are seeking regular bail in
connection with Nawada P.S. Case No. 23 of 2024, registered
for the offences punishable under Sections 341, 323, 324,
307/34 of the Indian Penal Code and later on Section 302 of the
IPC.



3. Allegedly, while the husband(deceased), of the informant was taking meal, he was called by the petitioner Bablu Yadav. The informant's husband (deceased) left his meal and went out of his house and thereafter, he did not return. In the next morning, at about 8:00A.M. the informant came to know that the dead body of her husband was lying near the house of Parakan Choudhary. When she went there, she came to know that Parakan Choudhary had called the police on toll free no. 112 whereafter, her husband in injured condition was taken to Sadar Hospital Nawadah for treatment and later on, he was referred to VIMS, Pawapuri for better treatment but the informant's husband died in course of treatment. It has also been mentioned in the FIR that prior to calling by petitioner Bablu Yadav (Cr. Misc. No. 55348 of 2024), the petitioner Pankaj Kumar (Cr. Misc. No. 27415 of 2024), had also called the deceased by his mobile no. 8114561667. It has been mentioned in FIR that she noticed that her husband had suffered injuries on his head.

4. The learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. He has further submitted that the statement of petitioner Pankaj Kumar has been recorded in



paragraph no. 69 of the case diary whereas statement of the petitioner Bablu Yadav has been recorded in paragraph no. 110 of the case diary. The petitioners in their statements have stated that they called the deceased to participate in the cremation of dead body of maternal grandmother of the petitioner Bablu Yadav. After participating, when they were returning co-accused, Sheru Manjhi and four other unknown miscreants badly assaulted the deceased and the petitioners came to their houses leaving the husband of the informant in injured condition. He has also submitted that though it is true that they had called the husband of the informant but they called him for participating in the cremation of the dead body of maternal grand mother of the petitioner Bablu Yadav.

5. In the FIR, no motive has been assigned as to why, the accused persons (the petitioners) committed murder of the deceased. In paragraph no. 20 of the case diary, the investigating authorities also found that the maternal grand mother of the petitioner Bablu Yadav had died on the date of occurrence. Petitioner nos. 1 and 2 are under custody since 18.02.2024 and 16.03.2024 respectively.

6. On the other hand, the learned APP for the State has opposed the prayer for bail and submitted that CDR of mobile



sets of the petitioners have been annexed with the case diary, which shows that the petitioners had contacted the deceased prior to his death to which the learned counsel for the petitioners replied that the petitioners had contacted the deceased as they requested him to participate in funeral of grandmother of the petitioner Bablu Yadav.

7. Considering the above-mentioned facts and circumstances as also the fact that the investigation has already been completed, let the petitioners above-named be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Nawada P.S. Case No. 23 of 2024, subject to the following condition that the petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court.

(Nawneet Kumar Pandey, J)

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