

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29071 of 2024**

Arising Out of PS. Case No.-83 Year-2022 Thana- DHANGAI District- Gaya

Gaya Kumar son of Shiv Kumar Yadav Resident of Village - Rebda, P.S.-  
Dhangai, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Md. Fahimuddin

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

- 2      21-06-2024      1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor appearing for the State.
2. Petitioner seeks regular bail in connection with Dhangai P.S. Case No. 83 of 2022 registered for the offence punishable under Sections 302, 201 and 34 of the Indian Penal Code.
3. This is the first attempt for bail on behalf of the petitioner.
4. As per the prosecution case on 27.11.2022 at about 7:00 PM, petitioner along with other co-accused persons altogether six in number arrived at the house of the informant and took her husband along with them on Motorcycle. It is further alleged that informant's husband did not return in the night and in the morning, his dead body was found near a brick kiln.



5. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in the present case due to previous land dispute. He further submits that no occurrence, as alleged, has taken place. He further submits that from the FIR, it appears that the informant is not an eye witness to the occurrence and the petitioner has been implicated merely on the basis of suspicion. He further submits that from the postmortem report, which is enclosed at Annexure 2 of the bail petition, it has been found that the cause of death is road accident. Learned counsel further submits that other co-accused persons namely Rajendra Yadav and Hardev Yadav have been granted the privilege of anticipatory bail and regular bail by this Court, *vide* order dated 30.08.2023 passed in Cr. Misc. No. 32754 of 2023 and order dated 05.07.2023 passed in Cr. Misc. No. 32035 of 2023.
6. The petitioner is in custody since 19.01.2024.
7. Regards being had to the submission made by the parties and taking into consideration the fact that there was previous land dispute between the parties, the cause of death is road accident as per the postmortem report and other co-



accused persons namely Rajendra Yadav and Hardev Yadav have been granted anticipatory bail and regular bail, I am inclined to grant regular bail to the petitioner.

8. Let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount, each to the satisfaction of learned Judicial Magistrate 1<sup>st</sup> Class, Sherghati at Gaya in connection to the Dhangai P.S. Case No. 83 of 2022.
9. This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J)

HarshPandey/-

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