

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66942 of 2023

Arising Out of PS. Case No.-71 Year-2022 Thana- BAGENGOLA District- Buxar

Ramesh Yadav Son Of Late Jagdish Yadav Vill-Balua Ps-Brahmpur Dist-
Buxar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 69303 of 2023

Arising Out of PS. Case No.-71 Year-2022 Thana- BAGENGOLA District- Buxar

Munna Yadav @ Shamsher Bahadur S/O Dinesh Kumar Singh R/O Village-
Pokharhan, P.S- Bagengola, Distt.- Buxar.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 66942 of 2023)

For the Petitioner/s : Mr.Rakesh Narayan Singh, Adv.

: Mr.Rajesh Kumar Chaubey, Adv.

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

For the Informant : Mr.Arvind Kumar Pradhan, Adv.

(In CRIMINAL MISCELLANEOUS No. 69303 of 2023)

For the Petitioner/s : Mr.Madhav Raj, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 29-02-2024 Heard learned counsel for the petitioners and

learned A.P.P. for the State.

2. The petitioners of both the cases seek regular bail

in connection with Bagengola P.S. Case No.71 of 2022, G.R.

No.2026 of 2022 lodged under Sections 302, 120B and 34 of the

I.P.C.

3. As per the prosecution case, the informant has



disclosed and made allegation against the petitioner of Cr. Misc. No.66942 of 2023 that he has called his younger brother to come with him for providing money and thereafter killed him and thrown his dead body. The allegation has been made in the F.I.R. that with a view to grab the money of informant, the present petitioner has committed this crime and shown this occurrence as an accident. It has also been alleged that the present petitioner is a criminal having series of criminal cases pending against him.

4. Learned counsel for the petitioner of first case submits that from the content of F.I.R., it is crystal clear that the case has been lodged on suspicion only. There is no eye witness and no cogent material against him. He submits that case diary has been called for and in the case diary, it has come that for taking money, the deceased went with the petitioner where all the payment of his arrears has been made.

5. Counsel further submits that from the inquest report, it become crystal clear that the death has been caused due to accident because injury has been caused to the deceased person only on the left side as well as the motorcycle was also damaged only on left side.

6. Counsel further submits that it is true that



petitioner's antecedent is not clean. There are five criminal cases pending against him in which he is on bail in all the cases. He submits that petitioner is in custody since 07.06.2023 and charge-sheet has already been filed in this case.

7. Counsel for the second case bearing Cr. Misc. No.69303 of 2023 submits that petitioner is not named in the F.I.R. and there is more suspicion has been raised against him. He submits that only at one place, the allegation has come against him that he had make arrangement for food and wine for party persons. This information has been received by the police through spy.

8. Counsel further submits that petitioner is in custody since 10.06.2023 having clean antecedent.

9. Learned counsel for the State opposes the prayer for bail and submits that as per the F.I.R., the deceased has left his house with the petitioner and his friend who are petitioner's of both the cases and subsequently, his dead body has been recovered.

10. Counsel for the informant vehemently opposes the prayer for bail and submits that petitioner of first case is renowned criminal of the locality and with a view to grab money of his brother, the present occurrence took place.



11. Upon going through the documents, it transpires to this Court that the date of occurrence is 13.07.2022, dead body was recovered on 14.07.2022, post-mortem took place on 15.07.2022, but F.I.R. has been lodged on 25.07.2022, but reason of such delay of about 10 days has nowhere explained in the F.I.R. or in the case diary. From the entire case diary, it also transpires that there is no eye witness of the said event. The circumstances and the inquest report indicate that it is an accident about which the informant himself accepts in the F.I.R. that it is an accident and conclusively, it is a case of suspicion and circumstantial evidence.

12. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail, **but only after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-1st Buxar in connection with Bagengola P.S. Case No.71 of 2022, G.R. No.2026 of 2022 subject to the following conditions as laid down under Section 437(3) of Cr.P.C.

13. However, the petitioner of first case, namely, Ramesh Yadav shall be granted bail only on being satisfied by



the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are as follows:-

- i. Brahmpur P.S. Case No.104 of 2018.
- ii. Brahmpur P.S. Case No.592 of 2018.
- iii. Brahmpur P.S. Case No.400 of 2019.
- iv. Brahmpur P.S. Case no.505 of 2019.
- v. Brahmpur P.S. Case No.150 of 2021.

(Dr. Anshuman, J.)

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