

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81892 of 2023

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

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SURAJMAL YADAV @ SURYAMAL YADAV Son of Late Mungeshwar
Yadav R/o vill - Shitalgarh, P.S. - Anti, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

, Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Vinod Shanker Modi, Advocate

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

ORAL ORDER

3 19-02-2024 Heard learned counsel for the petitioner and learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Konch
P.S. case No. 327 of 2022, instituted for the offences under
Sections 302, 201 and 34 of the Indian Penal Code.

3. Prosecution case, in short, is that one co-accused
Amit Kumar called on the mobile of the brother of the
informant and thereafter, he along with other accused persons
including this petitioner killed the brother of the informant by
strangulating his neck and threw the dead body near *Amba*
canal.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case merely



on the basis of suspicion. Learned counsel for the petitioner submits that there is no direct allegation against this petitioner, rather general and omnibus allegation has been made against him. No specific overt act is alleged against the petitioner. The specific accusation of calling the victim is against co-accused Amit Kumar. Learned counsel further submitted that informant is not the eye-witness to the occurrence. Similarly situated co-accused person has already been granted bail by a Coordinate Bench of this Court vide order dated 19.05.2023 passed in Cr. Misc. No. 236 of 2023. It has been submitted on behalf of the petitioner that the petitioner is in custody since 25.05.2023 and has one criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted that the co-accused have been granted regular bail on the ground that the co-accused being lady and allegation made against them were general and omnibus in nature.

6. Considering the aforesaid facts and circumstances of the case, that no direct allegation is made against the petitioner as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on 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.

(Rudra Prakash Mishra, J)

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