

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3617 of 2024

Arising Out of PS. Case No.-356 Year-2023 Thana- JOGAPATTI District- West Champaran

DHANDHAR YADAV SON OF LATE BIGA YADAV RESIDENT OF
VILLAGE - CHAUMUKHA, POLICE STATION - YOGAPATTI,
DISTRICT - WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 6475 of 2024

Arising Out of PS. Case No.-356 Year-2023 Thana- JOGAPATTI District- West Champaran

Shiv Shankar Yadav SON OF BAIDHNATH YADAV RESIDENT OF
VILLAGE- CHAUMUKHA, PS- YOGAPATTI, DISTT- WEST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 3617 of 2024)

For the Petitioner/s : Mr. Bashishth Narayan Mishra, Advocate
Mr. Brij Kishor Mishra, Advocate

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

For the Informant : Mr. Ram Kishun Prasad, Advocate

(In CRIMINAL MISCELLANEOUS No. 6475 of 2024)

For the Petitioner/s : Mr. Bashishth Narayan Mishra, Advocate
Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

For the Informant : Mr. Ram Kishun Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 21-03-2024

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for
grant of regular bail in connection with Yogapatti P.S. Case
no.356 of 2023 registered under sections 302 and 34 of the



Indian Penal Code.

3. As per the prosecution case, the informant states that his son went out to play but did not return. The last he was seen was going on the motorcycle of one Ram Chhatri Yadav. The next morning his dead body was recovered. The informant states that he suspects the eight named accused persons including the two petitioners herein to be involved in the occurrence.

4. Learned counsel for the petitioners submits that the though the petitioners are named in the FIR, however except for the informant having raised an unsubstantiated suspicion against the petitioners, neither there is any material in the FIR nor any material has transpired in course of investigation to connect the petitioners with the alleged crime except for the confessional statement of a co-accused made before police and that too not leading to any recovery. The petitioners are in custody since 6.8.2023 and investigation in the case has concluded.

5. The application for bail is opposed by learned A.P.P for the State and learned counsel for the informant. Learned counsel for the informant submits that not only the petitioners are named in the FIR but the material that has transpired in course of investigation, including in paragraph no. 39 of the



case diary, wherein one of the co-accused has confessed and has described as to how the accused persons including the two petitioners herein entered into a conspiracy to give effect to the occurrence. It is further submitted that the postmortem report supports the statement made by the co-accused in his confession and the petitioners also have criminal antecedents.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the material that has transpired in course of investigation, there being no eye witness to the occurrence, the petitioners being in custody for 7 months since 6.8.2023 and charge-sheet having been submitted in the case, both the petitioners are directed to be enlarged on bail in connection with Yogapatti P.S Case no.356 of 2023 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, District- West Champaran.

(Partha Sarthy, J)

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