

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40397 of 2025

Arising Out of PS. Case No.-128 Year-2023 Thana- CHAKAI District- Jamui

1. Shitesh Yadav @ Sitendra Kumar Yadav S/O Yamuna Yadav Resident of village- Budhwa Bathan, P.S- Chakai, Dist- Jamui
2. Suresh Yadav S/o Yamuna Yadav Resident of village- Budhwa Bathan, P.S- Chakai, Dist- Jamui

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 03-09-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehends their arrest in a case registered for the offence punishable under Sections 302, 201/34 of the Indian Penal Code.

3. As per the FIR, on 8th April 2023, the informant's husband, Shambhu Yadav, left for work around 3:00 PM on his motorcycle. Later that evening, around 6:00 PM, a mechanic came to their home and returned the motorcycle, saying it had been parked in front of his shop for a long time. Upon hearing this, the informant and her family searched for her husband but could not find him. On 10th April 2023, the



informant was informed that her husband's dead body was found hanging on the wall of a cattle shed at a hospital. Upon arrival, she saw the body hanging with the help of a *gamchha* (towel), and a foul smell was emanating from it. It is alleged that all the accused, including the petitioners, had threatened to kill the husband of the informant due to a land dispute.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Petitioner no.1 was on duty as a Home Guard at the time of the incident, which has been confirmed during the course of investigation, and regarding petitioner no.2, there are only vague and general allegations of having threatened the informant, but no concrete or incriminating evidence has surfaced against him during the course of investigation. The petitioners have been named in the instant case merely on suspicion, and from the case diary, it appears that there is a land dispute between the parties. Lastly, it is submitted that the petitioners have no criminal antecedents.

5. On the other hand, the learned APP for the State has opposed the prayer for bail of the petitioners and contended that the alibi plea taken by the petitioner no.1 has been examined by the prosecution, and has confirmed that petitioner



no.1 was not present at the place of the incident at the relevant time.

6. Considering the fact that the petitioner no.1 was not present on the place of occurrence and there is no direct allegation against the petitioner no.2, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Jamui/Successor Court in connection with Chakai P.S. Case No.128 of 2023, subject to the conditions as laid down under Section 482(2) of the BNSS as well as the following conditions:

(i) One of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

shikha/-

U		T	
---	--	---	--

