

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 41386 of 2015

Along with
Interlocutory Application No. 1814 of 2015

Arising Out of PS.Case No. -92 Year- 2013 Thana -LAUKAHI District- MADHUBANI

Subhash Chandra Yadav, Son of Surya Narayan Yadav, resident of Village-
Saroja Bela, P.S.- Marauna, District- Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 10-11-2015

Re: Interlocutory Application No. 1814 of 2015

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

Though the Interlocutory Application has been
filed seeking provisional bail on the ground that the wife is
suffering from severe heart ailment but the Court is inclined to
consider the main application for bail itself.

The petitioner seeks bail in Laukahi P.S. Case
No. 92 of 2013 dated 31.08.2013 instituted under Sections
363/364/34 of the Indian Penal Code.

This is the second attempt for bail by the
petitioner as earlier such prayer was rejected by order dated
22.07.2014 in Cr. Misc. No. 7957 of 2014. In the said order,
the Court below was directed to expedite the trial and
conclude the same within nine months. However, learned

counsel for the petitioner submits that till date only two witnesses have been examined.

The allegation against the petitioner, though not named in the F.I.R. is that in the abduction of the husband of the informant he was part of the conspiracy as the victim is said to have been on inimical terms with the son-in-law of the petitioner.

Learned counsel for the petitioner submits that only before the police, it is alleged that the petitioner had confessed to his role in conspiracy and abduction which is inadmissible in law and further that no witness has ever seen the petitioner or identified him. It is further submitted that though the petitioner may have been sympathetic to the cause of his son-in-law due to the relationship but it cannot be believed that he would go to the extent of conspiring for abduction or killing of the husband of the informant. It is further submitted that the petitioner besides being advanced in age is in custody since 28.09.2013 except for about one month in the middle during which he was on provisional bail.

Learned A.P.P. submits that the petitioner has confessed to his involvement in the conspiracy. However, he is not in a position to controvert the submissions advanced by learned counsel for the petitioner.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, 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 the learned Additional Sessions Judge-IV, Madhubani in Lukahi P.S. Case No. 92 of 2013. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds.

Criminal Miscellaneous No. 41386 of 2015 as well as Interlocutory Application No. 1814 of 2015 stand disposed off.

(Ahsanuddin Amanullah, J.)

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