

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42090 of 2015

Arising Out of PS.Case No. -87 Year- 2015 Thana -BRAHMPUR District- BUXAR

1. Ganesh Yadav S/O Late Bachan Yadav
2. Jagnarayan Yadav S/O Ganesh Yadav Resident of Village Kathar, Police Station Krishna Brahma, District Buxar.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Sanjay Kumar, Advocate.

For the Opposite Party : Mr. Ambika Bhagat (Spl .A P.P.)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-09-2015 Heard both sides.

The petitioners seek bail in a case registered for the offences punishable under Section 302 and other Sections of the Indian Penal Code and under Sections 3(2)V of SC/ST Act.

The son of the informant was missing. The informant suspected that Suga Yadav and others had kidnapped his son and kept him concealed. During the course of investigation the mobile of the deceased was found in the room of Dahari Yadav. Dahari Yadav is the son of Ganesh Yadav, petitioner no. 1 and brother of Jagnarayan Yadav, petitioner no. 2.

It is submitted that no material is collected against the petitioners. Suga Yadav is said to have confessed his guilt and disclosed that the mobile was kept by Dahari Yadav.

On the other hand learned counsel for the informant and learned APP opposed the prayer for bail and submitted that the petitioners are father and brother of Dahari Yadav and from their house the mobile of the deceased was found. It is further submitted that the deceased had love affairs with the daughter of Ganesh Yadav and that is why the accused persons kidnapped the deceased and killed.

It appears that the petitioners are not named in the FIR. Nothing has been recovered from the possession of the petitioner. In pursuance of the confession made by Suga Yadav whose name appears in the FIR itself the mobile was recovered from the room of Dahari Yadav. Dahari Yadav happens to be son of petitioner no. 1 and brother of petitioner no. 2, but except hearsay evidence no tangible material is collected against the petitioners.

Considering the facts aforesaid, the petitioners above named are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in Brahmpur P.S. Case No. 87 of 2015.

(Prabhat Kumar Jha, J.)

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