

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42833 of 2015

Arising out of PS.Case No. -49 Year- 2015 Thana -TEKARI District- GAYA

Putus Yadav, Son of Ambika Yadav, resident of village - Shiba Bigha, P.S.
- Tekari District -Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Bhavesh Kumar, Advocate.

For the Opposite Party : Mr. Gajendra Prasad Yadav (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 15-10-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is languishing in custody since 02.07.2015
in connection with Tekari P.S. Case No. 49 of 2015 for the
offences instituted under Sections 302 and 201/34 of the IPC.

The prosecution story, in brief, is that on 21.02.2015, the
informant's daughter-in-law Asha Devi had gone to *Tekari Bazar*
with the informant and after taking articles he returned from the
market with his grand-son Mahesh Yadav and his daughter-in-law
was coming with her elder son Surendra Yadav to her home after
some times on way his co-villagers, Shyam Bihari Yadav, Putus
Yadav, Upendra Yadav and Jitendra Yadav @ Mahabala caught
her and after assaulting her threw her at *Ulle Pain Langaro*

Badhar. It is further alleged that after some time, his elder grandson ran to his house and told that his mother had been killed then he started searching and reached near *Langaro Pain Badhar* and found her daughter-in-law in dead condition. The informant has further stated to have not seen the weapon by which the accused persons had killed her. The motive for the occurrence as alleged by the informant is land dispute.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 02.07.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. From perusal of the postmortem report it would appear that there is no external injury upon the body of the deceased. From perusal of Annexure-3 it would appear that the informant has filed a petition in the learned court below stating that due to mistake of fact he has instituted the present case.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, the above named petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned

J.M. Ist Class, Gaya, in connection with Tekari P.S. Case No.
49/2015.

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(Sudhir Singh, J)

