

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43222 of 2014

Arising Out of PS.Case No. -125 Year- 2014 Thana -KURTHA District- JEHANABAD

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1. Ram Chandra Yadav, Son of Late Luran Yadav, Resident of Village -
Pondil, Police Station - Kurtha, District – Arwal.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Narayan Singh, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh (APP)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 03-03-2015

This application is filed under Section 439 of the Code of Criminal Procedure with a prayer to grant bail to the petitioner. He is facing trial in respect of Kurtha (Manikpur) P.S. Case No.125 of 2014 for the offences punishable under Section 302 read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act. He was arrested on 02.09.2014. B.P. No.598 of 2014 was filed by the petitioner before the Court of learned Sessions Judge, Jehanabad and the same was dismissed on 24.09.2014. Hence, this application.

Heard learned counsel for the petitioner and the learned Additional Public Prosecutor for the State.

The wife of the deceased submitted a complaint. She did not name anyone. The basis for arresting the petitioner is that on earlier occasion, way back in the year 2006, his son

figured as accused in the case and the deceased was to depose as a witness. The son of the petitioner is said to be no more.

In the complaint itself, the complainant stated that unknown persons had some discussion with her husband. They asked for a direction for a way and requested for giving biddies. That means she was able to observe the happenings for quite some time. The petitioner is from the same village and is known to the complainant.

Once the name of the petitioner did not figure in the complaint, in the circumstances referred to above, this Court is of the view that the continued detention of the petitioner is not warranted.

Hence, this application is allowed. The petitioner shall be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad, in connection with Kurtha (Manikpur) P.S. Case No.125 of 2014.

(L. Narasimha Reddy, CJ)

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