

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26200 of 2015

Arising Out of PS.Case No. -73 Year- 2014 Thana -SIMRI BAKHTIARPUR District- SAHARSA

1. Sujeet Yadav Son of Late Tapo Yadav Resident of village - Khajuraha,
Police Station - Sonbarsa Raj, District - Saharsa

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Ram Bachan Singh(App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 13-10-2015 Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under sections 302 and 201 of the I.P.C

On the basis of fardbeyan of chaukidar Nasib Kumar
F.I.R. has been registered with allegation that the dead body of
one unknown lady aged about 30 years was found in Bhoura
Bahiyar and it appears that after pressing her neck with Sari she
has been killed. During investigation the lady was identified as
Ratni Devi and the name of the petitioner transpires that he being
the husband has killed her on suspicion that she was having illicit
relationship with his younger brother.

Submission is of false implication and that there is no



eye witness of the occurrence. No one has seen the petitioner with the deceased before the occurrence. The petitioner has voluntarily surrendered on 15.01.2015 and since then he is suffering in custody having no criminal antecedent. The material collected during investigation is not cogent and reliable and only on the basis of suspicion and hear say evidence. Charge sheet has already been submitted against the petitioner and as such there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes prayer for bail by submitting that Ratni Devi was going with the petitioner and Mamta Devi and Mamta Devi has stated that the petitioner told her that he has killed Ratni Devi.

In the facts and circumstances as stated above, considering that there is no eye witness of the occurrence and the petitioner has voluntarily surrendered, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the 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 C.J.M. Saharsa in Bakhtiarpur P.S. Case No. 73 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property

within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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