

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28200 of 2015

Arising Out of PS.Case No. -58 Year- 2014 Thana -ATRI District- GAYA

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1. Shivbalak Yadav S/o Late Ramautar Yadav Resident of Village
Imamganj, P.S. Atri, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Asha Devi(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 14-10-2015 Heard learned counsel for the petitioner, learned

counsel for the informant as well as learned Additional Public

Prosecutor for the State.

Petitioner and one other F.I.R. named accused

allegedly took the deceased from his house and after that in the

next morning the dead body of the deceased was recovered.

The contention on behalf of the petitioner is that

except the informant none has claimed to have seen the petitioner

in the company of the deceased prior to recovery of his dead body.

It is further contended on behalf of the petitioner that it is

unbelievable that deceased would leave his house with petitioner

particularly, in the circumstance when there was previous enmity

between them.

Learned counsel appearing for the informant submits that charge has already been framed and the trial has commenced. It is also informed on behalf of the informant that prosecution witnesses are being terrorized by the henchmen of the petitioner.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that petitioner does not have any criminal antecedent, 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 Chief Judicial Magistrate, Gaya in connection with Atri P.S. Case No. 58 of 2014.

However, if any complain against the petitioner regarding tampering with the prosecution evidence is made before the trial court, the trial court shall pass appropriate order on the aforesaid prayer after due and proper enquiry.

(Hemant Kumar Srivastava, J)

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