

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.903 of 2015

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1. Shyam Sundar Yadav Son of Late Kameshwar Yadav Resident of Village
- Kapsandi, P.S.- Pakriwarawan. Distict - Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh

For the Opposite Party/s : Mr. Manish Kumar 2 (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

4 28-07-2015

Heard both sides.

The petitioner seeks bail in a case under Section
302/34 of the Indian Penal Code.

The informant disclosed the name of the petitioner
and other accused persons on suspicion that the petitioner and
others must have committed murder of Raju Yadav, Rabindra
Yadav and Umesh Yadav.

It is submitted that the informant is not an eye
witness of the occurrence. After recovery of the dead body of all
the three deceased Shambhu Yadav in paragraph 33 of the case
diary made statement naming himself to be an eye witness of the
occurrence but he did not inform the informant before the
recovery of the dead bodies. Shambhu Yadav happens to be

maternal uncle of Raju Yadav. Shambhu Yadav also made his statement under section 164 of the Cr. P. C. It is further submitted that similarly situated accused Gautam Yadav has been granted regular bail vide order passed in Cr. Misc. No. 50509 of 2014 and Dinesh Yadav has been granted anticipatory bail vide order passed in Cr. Misc. No. 50718 of 2014 and the case of petitioner stands on the same footing.

Considering the fact that except Shambhu Yadav who made his statement after much delay naming himself to be eye witness of the occurrence there is none to say that the petitioner committed murder of three persons and similarly situated accused Gautam Yadav has been granted regular bail as well as accused Dinesh Yadav has been granted anticipatory bail, the above named petitioner is directed to be enlarged 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 Chief Judicial Magistrate, Nawada in Pakriwarawan P.S. Case No. 143 of 2014.

(Prabhat Kumar Jha, J)

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