

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8822 of 2015

Arising Out of PS.Case No. -249 Year- 2014 Thana -MAKHDUMPUR District- JEHANABAD

Moti Yadav

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nand Kishore Prasad-Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey-(A.P.P.)

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 01-05-2015

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor assisted by learned counsel for the informant.

Deceased was done to death for which informant, his brother in-law initiated instant prosecution by way of filing of written report wherein he had categorically stated that Mahesh Yadav accompanied the deceased and since thereafter, his brother in-law was not traceable till recovery of his dead body. It has also been disclosed that there was dispute in between deceased with the *Pattidar* of Mahesh Yadav and so, informant had suspected hands of this petitioner Moti Yadav along with others, who after conspiring committed the offence.

As per Paragraph-45 of the case diary, it is apparent that deceased was done to death on account of ante-mortem injury

caused by hard and blunt substance. It is also evident from Paragraph-21 that one Sukhdev Yadav was examined, who had claimed to have seen the accused while removing the dead body. However, in his statement, there happens to be absence of name of petitioner. None is an eye witness to occurrence. All the witnesses who ever been examined have suspected in the background of dispute.

That being so, petitioner **Moti Yadav** 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 Chief Judicial Magistrate, Jehanabad in connection with Makhdumpur (Tehta) P. S. Case no.249 of 2014, in event of his arrest/ surrender within four weeks subject to condition as enumerated under Section 438(2) of the Cr.P.C.

Vikash/-

(Aditya Kumar Trivedi, J)

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