

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42111 of 2014

Arising Out of PS.Case No. -154 Year- 2012 Thana -SHEKHPURA District- SEKHPURA

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1. Ashok Yadav S/o Nand Kishore Yadav @ Jitu Yadav Resident of Mohalla Girihinda, P.S. Sheikhpura, District Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed. Rizwanul Haque

For the Opposite Party/s : Mr. Dr.Indiwar Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL ORDER

3 03-04-2015 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Informant who is himself not an eye witness to the occurrence, had filed a written report disclosing therein that his son Dharmendra Dharhi was engaged in quarrel and during course thereof, he has been murdered. He was informed by one Pragas Dharhi whereupon, he rushed to the place of occurrence but he could not gather any sort of information from there. He again approached Pragas Dharhi, at his residence who had informed that some hot altercation took place with Hardeo, Munsif of Sunil Kumar Gupta. It is further alleged that by the order of the Sunil Kumar Gupta, co-accused Chandan Dharhi, Pragas Dharhi and Shivam Dharhi murdered Dharmendra Dharhi.

Admittedly, petitioner is not named in the written report.

His name cropped up during course of investigation. From perusal of Para 64 of the case diary, it is evident that supervising authority had directed the I.O. to apprehend the petitioner even though there happened to be absence of evidence. Subsequently thereof, to justify the direction of the supervising authority the I.O. had collected and recorded under Para- 92, 93 94, 95 which happened to be of dated 10.10.2013 near about 1 ½ year after lodging of the First Information Report.

In the aforesaid background, the petitioner Ashok Yadav, in the event of his arrest / surrender within six weeks from today, 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 the learned Chief Judicial Magistrate, Sheikhpura in connection with Shiekhpora P.S. Case No. 154 of 2012, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Aditya Kumar Trivedi, J.)

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