

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35396 of 2014

Arising Out of PS.Case No. -224 Year- 2013 Thana -MUFFASIL District- AURANGABAD

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1. Ravi Kumar Son of Surendra Nath Yadav @ Surendra Yadav Resident of
village- Chorachatra, P.S.- Pesar, District- Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamlendra Pd. Singh

For the Opposite Party/s : Mr. A.Dayal(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 09-04-2015 Heard learned counsel for the petitioner and learned

counsel representing the State.

Petitioner apprehends his arrest in connection with
Muffasil P.S. Case No. 224 of 2013 registered for the offences
punishable under Sections 302/34 of the Indian Penal Code.

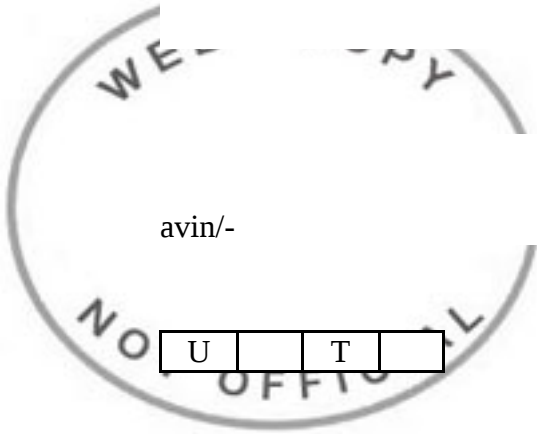
Allegedly, dead body of one unknown youth was
found having injury of bleeding near NH 98 on kachhi road, and
accordingly, on the basis of statement of Chaukidar Arvind Kumar
the case was registered. During investigation it has come that the
petitioner along with one Anup Kumar has called the deceased
and due to having illicit relationship with the wife of the deceased
the petitioner and co-accused Anup Kumar might have committed
murder of the deceased.



Submission is of false implication and that there is no direct evidence or circumstantial evidence to connect the complicity of the petitioner in the crime. During course of investigation, the father of the deceased has alleged that on the call of the petitioner and of co-accused his son went to Aurangabad on 8.9.2013 but he did not return and on query Anup told that the deceased has gone away. Thereafter, his dead body was found which was identified by him. The witnesses have also stated likewise and accordingly, in paragraphs 27 and 28 of the case diary complicity of the petitioner has transpired. Those statements have come at belated stage and further besides suspicion there is nothing against the petitioner. The petitioner was not even seen with the deceased, and as such, the petitioner deserves sympathetic consideration to which the learned APP opposes.

In the facts and circumstances stated above, noticing that there is no direct or even circumstantial evidence against the petitioner besides suspicion at present, and as such, the petitioner above named, in case of his surrender or arrest within two months from the date of receipt/production of a copy of this order, shall be released on bail on execution of 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, Aurangabad

in connection with Muffasil P.S. Case No. 224 of 2013, subject to
the conditions as laid down under Section 438 (2) of the Cr.P.C.



(Jitendra Mohan Sharma, J)