

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10071 of 2015

Arising Out of PS.Case No. -167 Year- 2014 Thana -JAMALPUR District- MUNGER

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Rajiv Yadav S/o Saryug Yadav Resident of Village Rampur (Chhoti Dariyapur), P.S. Jamalpur, District Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhirendra Nath Jha

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

05/ 18-05-2015

Heard learned counsels for the petitioner and

the State.

The petitioner is languishing in custody since 09.01.2015 in a case registered for the offences punishable under Sections 302, 201 and 120B/34 of the Indian Penal Code.

On recovery of the dead body of the son of the informant, namely, Debashish Kumar, on 16.11.2014 the FIR was lodged against the petitioner and others that they were on inimical terms with the son of the informant and they used to assault him. Subsequently, on 25.12.2014 the police recorded the statement of the mother of the victim and maternal uncle of the victim, whose statements were recorded in paragraph nos. 27 and 28 of the case diary where they stated that they saw the victim Debashish one day prior to the occurrence with the accused

persons and co-accused Sanjay Yadav and Hiro Sinha were talking that they have planned to kill the victim

It is submitted by learned counsel for the petitioner that only on suspicion the petitioner has been named. The FIR was lodged on 16.11.2014 whereas the statement of the mother and maternal uncle of the victim was recorded on 25.12.2014 after more than a month of lodging of FIR when they have conveyed this fact to the informant on 17.11.2014 and 18.11.2014. Though, initially statement was made in para 3 of the petition that the petitioner has no criminal antecedent, but supplementary affidavit has been filed to the effect that the petitioner was accused in Jamalpur P.S. Case No. 80 of 2008 wherein final form was submitted and accepted and the petitioner was also accused in Jamalpur P.S. Case No. 124 of 2010 wherein final form was submitted but on protest –cum- complaint the matter is pending.

It is submitted by learned counsel for the informant that though the statement of the mother and the maternal uncle of the victim were recorded after more than a month of registration of the FIR, but the I.O. is responsible for misdirecting the investigation.

Considering the fact that the accusation has

been levelled merely on suspicion and the mother and maternal uncle of the victim suggested the circumstantial evidence after more than a month of the registration of the FIR, let the above named 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 learned Chief Judicial Magistrate, Munger in connection with Jamalpur P.S. Case No. 167 of 2014.

(Dinesh Kumar Singh, J)

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