

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48959 of 2015

Arising Out of PS.Case No. -220 Year- 2011 Thana -KHARAGPUR District- MUNGER

1. Jai Hind Yadav @ Jaheen Yadav Son of Late Shibu Yadav, Resident of Village - Mohanpur, P.S. - Haveli Kharagpur, District - Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indu Bhushan

For the Opposite Party/s : Mr. Asha Devi (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 04-12-2015 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Sessions Case No. 195 of 2014 (Arising out of Haveli Kharagpur P. S. Case No. 220/2011) registered for the offences under section 302, 201 and 34 of the I.P.C.

Allegedly, after recovery of the dead body of Sunil Kumar Yadav, the brother of the informant lodged F.I.R. raising suspicion against the petitioner and co –accused Kanhaiya Yadav that they after calling, the brother of the informant killed him and threw the dead body at a lonely place, as the brother of the informant was having love affair with the wife of the petitioner.

Submission is of false implication, only on suspicion.

There is no eye witness of the occurrence. Nothing incriminating article has been recovered from the possession of the petitioner. Co-accused Kanhaiya Yadav has been allowed pre arrest bail by another Co-ordinate Bench of this Hon'ble Court vide order dated 13.03.2012 passed in Cr. Misc. No. 7203 of 2012 and as such, the petitioner also deserves sympathetic consideration as he is suffering in custody since 30.07.2015 and charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned A.P.P. opposes the prayer of bail by submitting that there was a strong motive for killing the deceased.

In the facts and circumstances stated above, considering that there is no direct evidence, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner, Jai Hind Yadav@ Jaheen Yadav is directed to 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 Court of Sessions Judge, Munger in connection with Sessions Case No. 195 of 2014 (arising out of Haveli Kharagpur P.S.Case No. 220 of 2011), subject to the conditions that one of the bailors must be a near

relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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