

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11680 of 2015

Arising Out of PS.Case No. -78 Year- 2013 Thana -SIRDALA District- NAWADA
=====

1. Ashok Yadav son of Badri Yadav resident of village - Jhagri Bigha, P.S.
Sirdala, Dist - Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Gauri Shankar Prasad

For the Opposite Party/s : Mr. Arun Kumar Singh No.-5 (App)
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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 06-07-2015 Supplementary affidavit is filed on behalf of the

petitioner.

Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

Petitioner is not named in the first information report
and in course of investigation, the name of petitioner surfaced in
this case. The family members of the informant claimed that one
Shobha Kumari had informed that the deceased was taken away.
The statement of Shobha Kumari has been recorded by the
investigating officer at para 99 of the case diary but she has
nowhere stated the name of petitioner. Moreover, it appears that
none has seen the actual killing of the deceased and admittedly,

the present case was lodged after two days of the alleged occurrence.

Learned counsel appearing for the informant submits that a co-ordinate Bench of this court vide order dated 09.01.2015 passed in Cr. Misc. No. 33097 of 2014 rejected the bail prayer of co-accused, Sagar Bhuiyan, whose case stands on similar footing to the case of this petitioner but from perusal of the aforesaid order of co-ordinate Bench of this court it would appear that the aforesaid order has been entirely based on the statement of witness, Shobha Kumari in respect of which I have already mentioned that she has not even whispered the name of petitioner.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the 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 Chief Judicial Magistrate, Nawada in connection with Sirdala P.S. Case No. 78 of 2013.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

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