

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35771 of 2015

Arising Out of PS.Case No. -128 Year- 2014 Thana -BEERPUR District- BEGUSARAI

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1. Sanjay Yadav S/o Sri Uma Roy, R/o Village- Gosai Tola, Teghra, P.S.-
Teghra, Dist.- Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar

For the Opposite Party/s : Mr. Manish Kumar 2 (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 30-11-2015 Heard the learned counsel for the petitioner as well as

the learned A.P.P.

The petitioner seeks bail in a case for the offence
punishable under section 302/34 of the I.P.C

Allegedly, the petitioner and others came at
Kharmauli bridge on 25.12.2014 at about 5 P.M. and the petitioner
being husband of Meera Devi, the daughter of the informant,
called her by mobile no. 8298626643 and then the daughter of the
informant after informing her mother that her husband is calling
her, she went there but she did not return. Her mobile was also
found switched off and thereafter her Gotni was contacted who
told that she was not brought at the house and thereafter switched
off the mobile and on 30.12.2014 the dead body of daughter of the

informant was found in Rahar field having acid burn injury on her face.

Submission is of false implication and that there is no tangible material against the petitioner. The daughter of the informant was called on 25.12.2014 and her dead body was recovered on 30.12.2014 and during that period no information was lodged. The wife of the petitioner was living in her Naihar and how her dead body was found in the Rahar field, the petitioner is not responsible. There is no material to connect the petitioner with the crime. The call detail is not in accordance with law. The petitioner has been forced to give his L.T.I. on a plain paper which has been converted into the alleged confessional statement which is not consistent with the postmortem report. The petitioner is suffering in custody since 21.01.2015. Charge sheet has already been submitted and the petitioner has voluntarily surrendered in the court below and as such there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes prayer for bail by submitting that the petitioner is the husband and at his call his wife went and thereafter her dead body was recovered and the petitioner has confessed his guilt when he was taken on remand.

In the facts and circumstances as stated above,

considering that charge sheet has already been submitted, there is no direct evidence against the petitioner, he has surrendered voluntarily and there is no chance of tampering with the prosecution evidence and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-VII, Begusarai in Sessions Trial No. 327 of 2015 arising out of Birpur P.S. Case No. 128 of 2014, 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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