

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12292 of 2016

Arising Out of PS.Case No. -57 Year- 2015 Thana -GWALPARA District- MADHEPURA

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Laltu Yadav Son of Opis Yadav resident of Village- Chatara, P.S. Swalpara
(Arar O.P.), District- Madhepura.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s : Mr. Ajay Kr. Jha (App)

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

ORAL ORDER

3 20-05-2016

Heard the learned counsel for the petitioner as well
as the learned A.P.P for the State.

The petitioner seeks bail in connection with
Gwalpara (Arar O.P.) P.S. Case No. 57 of 2015 registered for the
offence punishable under Section 302/34 of the Indian Penal
Code.

Allegedly, Amol Sharma, the husband of the
informant was found dead hanging with *sisam* tree and it is stated
that the petitioner and other co-accused along with unknown
strangled him to death and hanged the dead body.

Submission is of false implication and that the
informant is not the eye witness, only on suspicion he has named
the petitioner and others, during investigation also no eye witness
has come forward, nothing has been recovered from possession of
the petitioner, there is no motive to commit murder and due to

enmity, the petitioner and others have been implicated in this case resulting the petitioner is suffering in custody since 01.11.2015 having clean antecedent.

The learned APP submits that the petitioner is named in the F.I.R. and earlier one day before the occurrence, the petitioner and others have ate fish and rice in the house of the informant.

In the facts and circumstances stated above, considering that there is no direct evidence against the petitioner, as such, the petitioner, above named, 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 Chief Judicial Magistrate, Madhepura in connection with Gwalpara (Arar O.P.) P.S. Case No. 57 of 2015, 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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