

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12936 of 2016

Arising Out of PS.Case No. -185 Year- 2015 Thana -FATEHPUR District- GAYA

1. Dev Nandan Yadav S/o Mahendra Yadav Resident of village - Ittadih,
P.S. Fatehpur, District - Gaya.... Petitioner

Versus

1. The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. S.Dayal(App)

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

ORAL ORDER

3 09-05-2016 Heard learned counsel for the petitioner and learned APP for
the Sate.

The petitioner seeks bail in connection with Fatehpur P.S.
Case No. 185 of 2015 registered for the offences punishable under
Sections 302, 201 of the Indian Penal Code.

Allegedly, there was altercation between the petitioner and
Bhola Sao and thereafter, when Bhola Sao went to attend the call of
nature towards river the petitioner also went there and thereafter, Bhola
Sao did not return and in the morning his dead body was found.

Submission is of false implication and that besides suspicion
there is nothing against the petitioner, the petitioner got no criminal
antecedent whereas the Dy.S.P. during supervision found that the
deceased was a veteran criminal, only due to earlier altercation the
petitioner has been implicated, the husband of the informant might have
been killed by some extremists and the petitioner has been implicated,
resulting, he is suffering in custody since 20.11.2015.

Learned APP fairly submits that the deceased was having criminal antecedent which is mentioned in paragraph 82 of the case diary and against the petitioner chargesheet has been submitted.

In the facts and circumstances stated above, considering that there is no eye witness of the actual killing and the case is based on circumstantial evidence, 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 Additional Chief Judicial Magistrate Xth, Gaya in connection with Fatehpur P.S. Case No. 185 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)

avin/-

U		T	
---	--	---	--