

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12946 of 2016

Arising Out of PS.Case No. -405 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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Anjay Yadav S/o Asharfi Yadav Resident of village - Piperpati, P.S.
Ramgarhwa, Distt. - East Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Braj Kishore Prasad (App)

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

5 18-05-2016

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
Turkauliya P.S. Case No. of 405 of 2015 registered for the
offences punishable under Sections 302 and 120B of the Indian
Penal Code.

Allegedly, the father of the informant and Juman
Mian went to attend marriage ceremony and three associates of
Juman Mian were also there but Asharfi Mahto the father of the
informant and Juman Mian were killed and in the F.I.R. suspicion
has been raised against the said Amrullah, Mojibullah and Sheikh
Ainullah. During investigation, the name of the petitioner
transpires in the written statement of Jamin Ara Khatoon, the
wife of the deceased Juman Mian that the petitioner and Umesh

Yadav came and told her husband to attend marriage ceremony of *Natni* of Asharfi Mahto and thereafter Juman Mian went with Asharfi Mahto on motorcycle and the petitioner and other co-accused went behind them in Marshal vehicle. Co-accused Kalimullah confessed his guilt and in his confession, he stated that on the Marshal vehicle of the petitioner, all the accused persons were going and other co-accused killed the two deceased.

Submission is of false implication and that there is no eye whiteness of the occurrence, without any legal and tangible material, the petitioner has been implicated, he has been made victim of circumstances, he has not gone to call the deceased Juman Mian, but his wife falsely implicated the petitioner resulting he is suffering in custody since 01.02.2016. In paragraph 57 of the case diary, the statement of Jamin Ara Khatoon has been recorded wherein she has not named the petitioner and in paragraph 55, the statement of wife of the deceased Asharfi Mahto has also been recorded wherein also the petitioner is not named.

The learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the wife of the deceased Juman Mian has taken the name of the petitioner and further both the deceased were killed with aid and assistance of the petitioner. Prayer of bail of co-accused

Kalimullah @ SK. Kalimullah has already been rejected and the petitioner has suppressed his criminal antecedent, which he has disclosed in supplementary affidavit later on.

In the facts and circumstances stated above, considering the statement of the widow of two deceased recorded in paragraph 55 and 57 of the case diary wherein the petitioner is not named and further considering that in confessional statement of co-accused also, it has come that the petitioner was not present in the Marshal and, 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, Motihari, East Champaran in connection with Turkaulia P.S. Case No. 405 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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