

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15349 of 2016

Arising Out of PS.Case No. -105 Year- 2012 Thana -MARAUNA District- SUPAUL

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1. Laldeo Yadav Son of Late Gayani Yadav resident of village - Kabri
Branch, P.S. - Marauna, District - Supaul..... Petitioner

Versus

1. The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Hirday Prasad Singh (App)

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

ORAL ORDER

4 12-07-2016

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Marauna P.S.
Case No. 105 of 2012 registered for the offences punishable under
Sections 302, 201, 120B/34 of the Indian Penal Code.

Allegedly, the petitioner and other co-accused were
assaulting the brother of the informant with farsa and axe causing
his death and the informant identified them in torch light.

Submission is of false implication and that as a matter of
fact it was an accidental death, Dy.S.P. and S.P. during
supervision have found the prosecution version not true, the
petitioner without any fault is suffering in custody since
22.12.2015, against the petitioner chargesheet has been submitted
later on as earlier the investigation was kept pending against him,
the alleged identification by the informant is not probable and

reliable, the statement of some of the witnesses are also not probable and reliable as their presence at the place of occurrence appears not probable and reliable.

Learned APP duly assisted by learned counsel for the informant opposes the prayer for bail by submitting that the petitioner is the main assailant and he was identified by the informant in flash of torch light, prayer of bail of similarly situated co-accused Sitaram Yadav and Raj Kumar Yadav have already been rejected and some of the co-accused have already been convicted after trial and the petitioner remained absconding.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner and further that he remained absconding, at present, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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