

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23062 of 2016

Arising Out of PS.Case No. -216 Year- 2015 Thana -HASANPUR District- SAMASTIPUR

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Lutkun Yadav Son of Late Gango Yadav , Resident of village- Bhatandi,
P.S.-Rosera, District- Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Krishna Chandra, Advocate

For the Opposite Party : Mr. Surendra Pd. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 13-07-2016 Heard learned counsel for the petitioner and learned

counsel representing the State.

The petitioner seeks bail in connection with Hasanpur
P.S. Case No. 216 of 2015 registered for the offence punishable
under Section 302,201,120B of Indian Penal Code.

The dead body of Gopal Mukhiya, the nephew of the
informant was found in the water of chewar and after inquiry, the
informant came to know that the petitioner and others have killed
him and threw the dead body in the water.

Submission is of false implication and that the
informant is not an eye-witness of the occurrence, during the
investigation the allegation against the petitioner was not found
true and accordingly, the petitioner was not sent up and final form

was submitted against him but the learned Chief Judicial Magistrate after differing with the opinion of Investigating Officer, took cognizance, resulting the petitioner is suffering in custody since 11.12.2015.

Learned A.P.P. fairly submits that after completing investigation, the petitioner was not sent up.

In the facts and circumstances stated above, 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-III, Rosera in connection with Hasanpur P.S. Case No. 216 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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