

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21475 of 2016

Arising Out of PS.Case No. -190 Year- 2015 Thana -RAGHUNATHPUR District- SIWAN

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Om Prakash Yadav, Son of Parashuram Yadav, Resident of Village: Rajpur
Tola Gopalpur, P.S. Raghunathpur, District: Siwan.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar Pandey, Advocate.

For the Opposite Party : Mr. C. Sen Pd. Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 01-07-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with
Raghunathpur P.S. Case No.190 of 2015 registered for the offence
punishable under Section 302/34 of the Indian Penal Code.

Allegedly, Lalu Yadav, aged 17 years, the grand son
of the informant was killed and his dead body was thrown in the
mango garden of Vijay Bahadur Singh. The mobile of the
deceased is also traceless. During investigation, it transpired that
the deceased was having love affairs with the daughter of the
petitioner and for that the deceased was killed by the petitioner
and other co-accused.

Submission is of false implication and that there is no



legal and tangible material against the petitioner, In the First Information Report, the informant has not suspected any hand of the petitioner, there is further statement also, no suspicion has been raised against the petitioner but later on, after two and half months, in subsequent statement, Hira Devi suspected the hand of the petitioner and others vide para-55 of the case diary, though earlier in para-34 she has not stated regarding the hand of the petitioner, there is no direct evidence against the petitioner and as such the petitioner deserves sympathetic consideration as he is suffering in custody since 09.03.2016, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering that the charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence 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 like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Raghunathpur P.S. Case No.190 of 2015, subject to conditions that one of the bailors must be 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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