

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25084 of 2016

Arising Out of PS.Case No. -163 Year- 2015 Thana -LADANIA District- MADHUBANI

Sukesh Kumar @ Sukesh Kumar Mahto @ Suresh Kumar, son of Baij Nath Mahto, resident of Village-Banhaiti, P.S. Bibhutipur, District Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party : Mr. A.Dayal(App)

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 12-07-2016 Heard learned counsel for the petitioner as well as learned Addl.P.P.

Informant and his brother Nand Kr. Yadav, the deceased happens to be brick kiln owners. On 04.12.2015 while Nand Kr. Yadav was at his Jai Durga brick kiln, he had talked with him. Subsequently, informant was informed by one Dev Kr. Yadav, PACS chairman regarding commission of murder of Nand Kr. Yadav. He rushed and found the deceased dead. On query, he came to know that three unknown criminals have shot him causing instant death. It has further been alleged that Munsii Umesh Kr. Yadav had informed that one Ram Kr. Yadav had disclosed him that leader of Yadav is going to be murdered very soon at the instance of one Ganesh Pd. Yadav. It has also been disclosed that there was dispute amongst Ram Kr. Yadav as well as deceased Nand Kr. Yadav. It has also been disclosed that there

was business rivalry with Ganesh Yadav. Furthermore, it has also been disclosed that yesterday, there was an altercation in between Surendra Yadav and Nand Kr. Yadav wherein Surendra Yadav as well as Ganesh Yadav have threatened.

Petitioner is not named in the F.I.R. From perusal of the case diary, it is evident that investigating officer had proceeded with investigation in a casual and cryptic manner and that happens to be the reason behind that he failed to collect concrete evidence against the petitioner save and except incorporating in para 100 that petitioner along with Navin Kumar have confessed their guilt. Furthermore, as per para 91, it is evident that names of those two persons cropped up on the inculpatory extra-judicial confessional statement of one Dilip Yadav.

That being so, the petitioner namely Sukesh Kumar @ Suresh Kumar Mahto @ Suresh Kumar is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of like amount each to the satisfaction of Munsif-II-cum-J.M. 1st class, Madhubani in connection with Ladaniya P.S. case no. 163/2015.

(Aditya Kumar Trivedi, J.)

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