

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48030 of 2015

Arising Out of PS.Case No. -58 Year- 2014 Thana -ATRI District- GAYA

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Arabind Yadav @ Arvind Yadav Son of Rajendra Yadav, Resident of
Village - Imamganj, P.S. - Atri at District - Gaya. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Md.Nazir Ansari(App)

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

ORAL ORDER

3 14-01-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Atri P.S.

Case No. 58 of 2014 registered for the offences punishable under
Sections 302, 201/34 of the Indian Penal Code.

Allegedly, the petitioner and co-accused Sheo Balak
Yadav took away Lalkeshwar Yadav, the husband of the
informant from his house and after that in the next morning his
dead body was recovered.

Submission is of false implication due to suspicion,
except the informant none has claimed to have seen the petitioner
in the company of the deceased prior to recovery of the dead body,
It is not believable that the deceased would left his house with
petitioner when there was previous enmity and similarly situated
co-accused Sheo Balak yadav has been allowed bail by another

co-ordinate Bench of this Court and as such petitioner who is suffering in custody since 06.05.2015 also deserves sympathetic consideration as he has got no criminal antecedent and charge-sheet has already been submitted to which learned A.P.P. opposes but fairly submits that it is a case of last seen.

In the facts and circumstances stated above, considering that there is no direct evidence against the petitioner, 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 the like amount each to the satisfaction of the Learned Additional Sessions Judge-VIth Gaya in Sessions Trial No. 59 of 2015 /271 of 2015 arising out of Atri P.S. Case No. 58 of 2014 subject to the 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.

siddharth/-

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(Jitendra Mohan Sharma, J)