

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53083 of 2015

Arising Out of PS.Case No. -362 Year- 2013 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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Jagdish Prasad Yadav, son of Late Sajawal Yadav, resident of Village-
Panchbhiria, P.S. Ramgarhwa, District- East Champaran.

... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Jitendra Kumar Roy-I(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 12-01-2016 Heard learned counsel for the petitioner and the
learned A.P.P. representing for the State.

The petitioner seeks bail in connection with Sugauli
P.S. Case No. 362 of 2013 registered for the offences punishable
under Sections 325, 326, 302, 504, 506 and 34 of the Indian Penal.

Allegedly, from three mobile numbers threats were
caused at the mobile of Bhabhi of the informant and thereafter the
father of the informant who was sleeping at the Dalan was found
killed having injury in his chest. During investigation out of the
three mobile, two mobiles were found in the name of the petitioner
and as per the call details, the two mobiles of the petitioner were
used for talking at the mobile of the Bhabhi of the informant.

Submission is a false implication and that there is no



direct evidence, no one has seen the petitioner near the place of occurrence, the petitioner is known to the family of the informant from before, during investigation from call details it has transpired that the petitioner's mobile was used for talking with Soni Jha, the sister of the informant, on several dates and it appears that the informant suspected some affairs going on of the petitioner with the sister of the informant and such he falsely implicated giving his mobile number that from that mobile threats were caused. Moreover, besides suspicion, there is nothing against the petitioner as such the petitioner deserves sympathetic consideration as chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence to which learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering that there is no direct evidence against the petitioner, he was not seen near the place of occurrence 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 S.D.J.M., Raxaul at Motihari in connection with Sugauli P.S. Case No. 362 of 2013, 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)

siddharth/-

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