

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52869 of 2015

Arising Out of PS.Case No. -79 Year- 2015 Thana -JANKINAGAR District- PURNIA

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1. Anil Yadav son of Jogi Yadav R/o village - Jankinagar Kari Mandal Tola, P.S. - Jankinagar, District - Purnea.
 2. Gopal Yadav son of Shibu Yadav @ Shiv Narayan Yadav R/o village - Itahari, P.S. - Jankinagar, District - Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan

For the Opposite Party/s : Mr. S.N.Shukla(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 19-02-2016 Heard the learned counsel for the petitioners as well as the learned A.P.P for the State.

The petitioners seek bail in a case for the offences punishable under sections 341, 342, 323, 364 and 120 B of the I.P.C

The petitioner no.1 is the son of the deceased Jogi Yadav and petitioner no.2 is the son-in-law and allegedly the petitioners and other co-accused assaulted Jogi Yadav after tying him in a tree and thereafter took away for providing treatment but made him traceless. During investigation on the basis of the confessional statement of Amar Yadav the skeleton of Yogi Yadav was recovered.

Submission is of false implication and that though the petitioners are named in the First Information Report but during

investigation it has come that the petitioners have not assaulted the deceased, Shivnandan Yadav vide paragraph- 53 of the case diary has stated that the deceased was assaulted by him, Amar Yadav and Ratan Yadav and thereafter Jogi Yadav was taken away by Amar Yadav on the vehicle of Sunil Yadav.

The learned A.P.P. after going through the case diary submits that on the basis of the confessional statement of Amar Yadav skeleton was recovered.

In the facts and circumstances as stated above, considering custody of the petitioners since 01.08.2015 and further that charge sheet has already been submitted and as such they are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of C.J.M. Purnea in Jankinagar P.S. Case No. 79 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 petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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