

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.57385 of 2015**

Arising Out of PS.Case No. -86 Year- 2015 Thana -BENIPATTI District- MADHUBANI

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Vijay Kumar Yadav @ Vijay Yadav, S/o Brahmdeo Yadav @ Brahmdeo  
Rai, resident of village - Chhota Gaura, P.S. Nanpur, District - Sitamarhi

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner : Mr. Om Prakash, Advocate.

For the Opposite Party/s : Mr. R.B.Roy Raman(App.)

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

3      15-02-2016                      Heard learned counsel for the petitioner and learned  
A.P.P. representing the State.

The petitioner seeks bail in connection with Benipatti  
P.S. case No. 86 of 2015, G.R. No. 1426 of 2015 registered for the  
offences punishable under Sections 302/34, 120B of the Indian  
Penal Code.

Allegedly Kapileshwar Mukhia, the elder brother of  
the informant was having love affairs with Nidhi Kumari, the  
daughter of the petitioner. After receiving call, Kapileshwar  
Mukhia went away and thereafter, he became traceless and later  
on, his dead body was recovered in a dilapidated condition and on  
the basis of his shoes, the informant and others identified the dead  
body as of Kapileshwar Mukhia and it is alleged that the petitioner

and other co-accused being in collusion and conspiracy, committed murder of Kapileshwar Mukhia after being annoyed with the love affair going on between Kapileshwar Mukhia and Nidhi Kumari.

Submission is of false implication and that there is no eye-witness of the occurrence, no one has seen the petitioner in the company of the deceased, the police after adopting third degree method has got recorded the confessional statement of the petitioner which has got no evidentiary value in the eye of law, no mobile call with detail has been obtained to find out as to whether the petitioner has called the deceased, without any legal and cogent evidence the petitioner has been apprehended and is suffering in custody since 03.06.2015, having no criminal antecedent.

Learned A.P.P. opposes the prayer of bail by submitting that the petitioner has seen her daughter with deceased in objectionable condition and then the petitioner along with others killed him.

In the facts and circumstances stated above, considering that during investigation the statement of Nidhi Kumari has not been recorded and there is no eye-witness of the occurrence and as such, considering the detention of the petitioner,

now he 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. Benipatti, Madhubani arising out of Benipatti P.S. case No. 86 of 2015 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.

**(Jitendra Mohan Sharma, J.)**

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