

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57966 of 2015

Arising Out of PS.Case No. -92 Year- 2015 Thana -HATHAURI District- MUZAFFARPUR

1. Yogendra Rai Son of Late Ram Vriksh Rai Resident of Village -
Muradpur Kashi, P.S.- Bochaha, District - Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Parasmani

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 17-02-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Hathauri P.S.
Case No. 92 of 2015 registered for the offences punishable under
Sections 328, 302/34 of the Indian Penal Code.

Allegedly, the petitioner and other co-accused got
executed a deed with respect to the land of Dilip Mandal, the
husband of the informant, from the husband of the informant
without any payment on 01.08.2015 and kept confined him. On
inquiry the informant was told that he has gone earlier but on
13.08.2015 it was learnt that the husband of the informant was
lying in unconscious state at Muzaffarpur and then he was brought
but he died on 14.08.2015 at 5:00 am. It is suspected that he has

been poisoned to death.

Submission is of false implication and that Dilip Mandal has executed sale deed on 01.08.2015 itself after receiving the full consideration amount which is evident from paragraph 37 of the case diary and also the contents of the registered sale deed, the local people of the vicinity have stated that no person was there in unconscious state vide paragraphs 43 to 46 of the case diary. It reveals that after death of the husband of the informant, the informant lodged this case only with a view to put pressure so that the petitioner may not claim the land which was sold by her husband. The petitioner is suffering in custody since 19.08.2015 without any legal and cogent material and as such he deserves sympathetic consideration to which the learned APP submits that this case is based on circumstantial evidence.

In the facts and circumstances stated above, 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 Sri Mukesh Kumar Mishra, J. M. Ist Class, Muzaffarpur in connection with Hathauri P.S. Case No. 92 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 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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