

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10142 of 2016

Arising Out of PS.Case No. -143 Year- 2014 Thana -PAKARIBARAW District- NAWADA

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1. Satish Yadav @ Satish Kumar Son of Garib Yadav Resident of Village-
Jhanjhri Police Station -Chandradeep District Jamui.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Ashok Kumar(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 18-05-2016

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner apprehends his arrest in connection with Pakribarawan P. S. Case No. 143 of 2014 for offence alleged under Section 302/34 of the Indian Penal Code.

The prosecution case as lodged by the informant is that on 24.06.2014 at about 6 a.m. in the morning, the informant got information on his mobile that his son Raju Kumar, brother Ravindra Yadav and villager Umesh Yadav have been murdered and their dead bodies were thrown in Kachna Aahar and thereafter upon this information the informant along with his villagers went to Kachna Aahar and saw the dead bodies of the aforesaid persons were thrown and



found that hand and leg of his son Raju Kumar tied and there was a sign of rope in his neck as well as blood on his nose, mouth and ear and his chest was crushed. It is further alleged that the reason behind the occurrence is land dispute between the informant and one Shyam Sundar Yadav and Gautam Yadav in which deceased Umesh Yadav was a witness. It is further alleged that deceased Rabindra Yadav purchased eight kaththa of land through sale-deed from the aunt of Shyam Sundar Yadav, namely, Tetari Devi and after registry of the same Shyamsundar Yadav used to threaten the informant to ruin him if the said land is not returned. On 22.06.2014 Shyamsundar Yadav, Gautam Yadav, Garib Yadav, Satish Yadav and second son of Garib Yadav also threatened for the same. It is further alleged that on 23.06.2014 the informant's son Raju Kumar, brother Ravindra Yadav and villager Umesh Yadav came to the market for purchasing some articles related to the marriage and on the same day at about 6 p.m. the informant and one Manoj Yadav saw all the accused persons and some unknown persons who covered their faces with Gamchha in the market.

It has been submitted by the learned counsel for the petitioner that the F.I.R. was lodged on 24.06.2014 whereas the

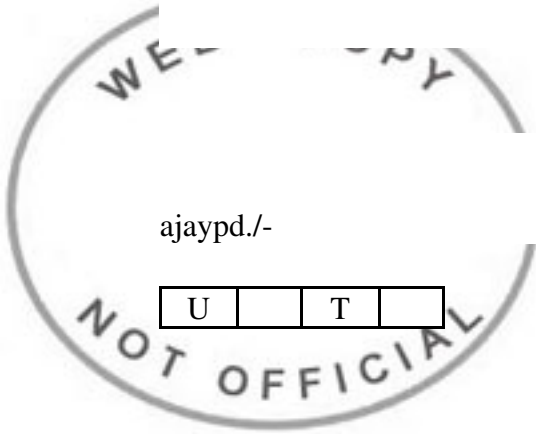


alleged occurrence is said to be of 23.06.2014. He further submits that the petitioner has no criminal history as is evident from para-3 of this application and that there was some previous land dispute between the parties. He further submits that there was no eye-witness to the alleged occurrence and merely, on the basis of suspicion, the petitioner has been made accused. He further submits that the other co-accused on similar allegations have since been granted the privilege of anticipatory bail in Criminal Miscellaneous No. 50509 of 2014 and Criminal Miscellaneous No. 50718 of 2014 on 01.04.2015.

However, the learned APP for the State submits that the petitioner is named in the F.I.R. although there is no eye-witness but the petitioner has been named in the F.I.R., hence, opposes the prayer of bail.

Be that as it may, since similarly situated co-accused have been enlarged on bail and that being no eye-witness, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Pakribarawan P. S. Case

No. 143 of 2014, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.



(Nilu Agrawal, J)