

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32085 of 2016

Arising Out of PS.Case No. -26 Year- 2016 Thana -CHHATAPUR District- SUPAUL

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1. Vivek Yadav Son of Binod Yadav resident of Village- Kaviyahi, P.S.-
Shankarpur, District- Madhepura. Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s : Mr. Sri Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 17-09-2016

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Chhatapur P.S.
Case No. 26 of 2016 registered for the offences punishable under
Sections 302, 201/34 of the Indian Penal Code.

On the basis of statement of Birendra Paswan, the
Chaukidar, this case has been registered against unknown after
recovery of a dead body of unknown person. From possession of
the deceased one mobile was also recovered having IMEI No.
911385500417947 and IMEI No. 911385500417954. During
investigation Manju Devi identified from shirt, jacket and mobile
that the dead body is of her dewar Mantosh Yadav. Her statement
was also recorded wherein she alleged that the petitioner took
away Manotsh Yadav on motorcycle to perform his marriage but
thereafter, Mantosh Yadav did not return and his dead body was

found. Vide paragraphs 24, 58 and 59 of the case diary it has come that Vivek Yadav the petitioner, Sanjit Das both came and took away Mantosh Yadav for performing his marriage, earlier the deceased used to teach the sister of Sanjit Das and his sister has come at the house of Mantosh Yadav then Sanjit Das and his brothers have caused threat to kill him.

Submission is of false implication and that two versions are coming: in one version it is alleged that only Vivek has come and took away Mantosh Yadav whereas in another version it has come that Vivek and Sanjit Das both have taken away Mantosh on motorcycle and, as such, those versions are not reliable, further there was no motive for killing the deceased against the petitioner and the petitioner is suffering in custody since 08.05.2016, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and there is no direct evidence against the petitioner and as such he deserves sympathetic consideration to which learned APP duly assisted by learned counsel for the informant opposes by submitting that name of the petitioner has come in the statement of three witnesses, though two witnesses are saying the name of Sanjit Das also.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance

of tampering with the prosecution evidence, 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 A.C.J.M. II, Supaul in connection with Chhatapur P.S. Case No 26 of 2016, 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.

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(Jitendra Mohan Sharma, J)

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