

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28360 of 2016

Arising Out of PS.Case No. -187 Year- 2015 Thana -WARISNAGAR District- SAMASTIPUR

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Pappu Yadav @ Pappu Rai Son of late Sudan Rai, resident of Village-
Bhado Ghat, P.S. Warishnagar, District- Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 03-10-2016 Supplementary affidavit is filed on behalf of the

petitioner bringing the antecedent of the petitioner on record.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State assisted by
learned counsel for the informant.

The Warisnagar P.S. case No.187 of 2015 for the
offences punishable under Sections 120(B), 364, 302 and 201/34
of the Indian Penal Code was lodged on 15.9.2015 on the basis of
complaint petition filed by the informant in respect of an
occurrence which had taken place on 9.6.2013.

Submission on behalf of the petitioner is that the
informant claims in her complaint petition that her husband went
along with the petitioner to deposit installment of his loan but did
not return to his home and on 17.9.2014, the petitioner disclosed

that the husband of the informant was killed by him.

Learned counsel appearing for the petitioner submits that there is nothing on the entire case diary to show that any installment had been deposited by the informant's husband and moreover, except suspicion, there is nothing against the petitioner.

On the other hand, learned counsel appearing for the informant opposed the prayer submitting that there was land dispute between the parties and that was a reason, the husband of the informant was killed by the petitioner and other accused.

Petitioner is in jail custody since 29.4.2016 and the investigation against him has already been completed. It appears from the aforesaid facts that there is delay in filing the complaint case and, moreover, even if the prosecution case assumed to be true, then also, it is a case of last seen.

Accordingly, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Samastipur in connection with Warisnagar P.S. Case No.187 of 2015.

(Hemant Kumar Srivastava, J)

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