

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30628 of 2016

Arising Out of PS.Case No. -55 Year- 2016 Thana -CHOUTARWA District-
WESTCHAMPARAN(BETTIAH)

=====

Chhota Yadav son of Gopi Yadav Resident of Village- Garibsahi,P.S.
Bathuwariya ,District-West Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1

For the Opposite Party/s : Mr. Sri Gopesh Kumar

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-09-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody in connection
with Chautarwa (Bathwariya) P.S. Case No. 55 of 2016 for the
offences instituted under Sections 363, 364 and 365 of the Indian
Penal Code, though the charge sheet has been submitted under
sections 364, 302 and 201 of the Indian Penal Code.

There is suspicion against the petitioner for committing
murder of the uncle of the informant.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 19.02.2016. The charge sheet has
been submitted in the present case. There is no allegation of
tampering of witnesses alleged against the petitioner. No offence

under section 364 of the Indian Penal Code is made out against the petitioner as there is no allegation of commission of abduction against the petitioner. The petitioner has been named in the First Information Report as the deceased had left along with the petitioner and others and later on his dead body was found. There is no eyewitness to the alleged occurrence nor there is any circumstantial evidence to suggest the implication of the petitioner in the present case.

On behalf of the state and informant, it has been submitted that the petitioner is named in the F.I.R. and has actively participated in the alleged occurrence.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned A.C.J.M.-1st, Bagaha, West Champaran, in connection with Chautartwa (Bathwaria) P.S. Case No. 55 of 2016.

(Sudhir Singh, J.)

Amit/-

U		T	
---	--	---	--