

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30621 of 2016

Arising Out of PS.Case No. -35 Year- 2012 Thana -NAWINAGAR District- AURANGABAD

Sanjay Yadav, son of Late Birta Yadav, resident of village- Bel Bigha, Police Station-Mali, District- Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Kamendra Pd. Singh, Advocate.

For the Opposite Party : Mr. Nityanand Tiwary, A.P.P.

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 since 24.02.2016 in connection with Navinagar P.S. Case No. 35 of 2012 for the offences instituted under Sections 302/34 of the IPC, 27 of the Arms Act and 17 of the C.L.A. Act.

The prosecution story, in brief, is that the informant was on law and order duty at BRBCL on 20.02.2012, he got information that a dead body is lying on the bank of canal about one K.M. away from the village Rediya. He alongwith armed force reached at the place of occurrence and found a dead body caused by fire arm injury near neck, blood was fallen there, both hands were tied from behind and a paper was found from waist of



the deceased in which it has been written 21.02.2012 PLGA Koel Sub-Zonal Committee Bha. Communist Party Maowati which was seized in presence of witnesses. In course of enquiry, it has come to light that the deceased was an active member of TPS and there was dispute in between two groups of extremists for realizing levy in the area. Some days before the occurrence, Dinesh Yadav, Sub-Zonal Commander of MCC, this petitioner and others were seen near the place of occurrence.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 24.02.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. No specific overt act has been alleged against the petitioner. It is alleged that prior to the incident, the petitioner was seen in a suspected manner in the said vicinity and for the said reason he has been made accused in the present case. There is no eye witness 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 it has been submitted that the petitioner is named in the F.I.R.

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 C.J.M., Aurangabad, in connection with Navinagar P.S. Case No. 35 of 2012.

U.K./-

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

(Sudhir Singh, J)