

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51041 of 2016

Arising Out of PS.Case No. -233 Year- 2015 Thana -JHAJHA District- JAMUI

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Upendra Yadav @ O. P. Yadav Son of Gokhul Yadav, resident of Village-
Helajot, P.S.- Jhajha, District- Jamui.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-11-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
09.08.2016 in connection with Jhajha P.S. Case No. 233 of 2015
registered for the offence punishable under Sections 302, 201/34
of the Indian Penal Code.

The prosecution case, as lodged by the Chawkidar, is
that he found a dead body of a female on the sand near Ulay river.
First Information Report was lodged against unknown.

It has been submitted by the learned counsel for the
petitioner that he is not named in the First Information Report and
only on the basis of an application filed by the father of the
deceased lady that his name has crept up. He submits that



petitioner has no concern with the deceased or matrimonial house of the deceased and just because he is the owner of a hotel situated 50 yards from police station and there was some quarrel between the police and the petitioner that he has been named as accused. It is further submitted that no specific allegation has been made against him and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. He further submits that just because other cases are pending against him from before that the petitioner has been falsely implicated only on the basis of suspicion.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances, since there is no specific allegation against the petitioner and that charge-sheet has already been submitted and from the material available on record, it does not reveal that petitioner's liberty on bail would adversely affect his trial, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Jamui in connection with Jhajha P.S. Case No. 233 of 2015, subject to the condition that one of the bailors would be a close relative and

other would be a person who has sufficient immovable properties within the jurisdiction of the police station and that the petitioner will appear on each and every date fixed before the learned Court below and his failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds without being prejudiced with this order.

(Nilu Agrawal, J.)

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