

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45205 of 2016

Arising Out of PS.Case No. -490 Year- 2015 Thana -KAHALGAON District- BHAGALPUR

1. Ranjay Kumar Yadav @ Ranjay Yadav Son of Mahavir Yadav, resident of Village Paithanpur, Police Station- Kahalgoan, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Neelam Kumari, Advocate

For the Opposite Party/s : Sri Nand Kishore Pd, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 26-11-2016

Heard learned counsels for the petitioner and the State.

The petitioner is languishing in custody since 24.11.2015 in a case registered for the offences punishable under Sections 302 and 201 of the Indian Penal Code.

The prosecution case is that on 23.11.2015 the second son of the informant, namely, Sujit Kumar, had gone to Basa to take rest and on the alleged night he stayed there and thereafter the informant's son did not return to his house. The informant made hectic search but no trace was made out. It was learnt that on the alleged night the petitioner Chandan Kumar and Ranjay Kumar Yadav came to the Basa and offered wine to her son, thereafter, the informant suspected that her son, namely, Sujit Kumar, was killed by the accused persons who disposed his dead body.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case merely on the basis of suspicion. He further submits that the petitioner has no criminal history and that other co-accused on similar allegation has since been granted privilege of bail by a Co-ordinate Bench in Cr. Misc. No.. 21304 of 2016 dated 08.08.2016. He further submits that charge sheet has already been submitted under Sections 364/34 of the Indian Penal Code and there is no allegation of tampering with the evidence.

Learned A.P.P. for the State submits that the petitioner is named in the F.I.R., hence opposes the prayer for bail.

Be as it may, since another co-accused on similar allegations has been granted the privilege of bail, let the above named petitioner 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 learned 4th Additional Sessions Judge, Bhagalpur in connection with Kahalgaon P. S. Case No. 490 of 2015 (Sessions Trial No. 268 of 2016).

(Nilu Agrawal, J)

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