

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41575 of 2016

Arising Out of PS.Case No. -125 Year- 2016 Thana -PHULPARAS District- MADHUBANI

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1. Ranjay Yadav Son of Rambilash Yadav Resident of Village-Phulpras
East Tola, P.S.-Phulpras, District-Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bikramdeo Singh, Advocate
Mr. Gagan Deo Yadav, Advocate.

For the State : Dr. Indihar Kumari, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 30-11-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in jail since 28.04.2016 in a case registered for offences punishable under Sections 302, 201/34 and 120 (B) of the Indian Penal Code.

The prosecution case lodged by the mother of the deceased is that her daughter Shailo Devi was married with Vijay Marshal @ Vijay Yadav ten years back and from the very beginning the deceased husband used to assault and gave her threatening. He has illicit relationship with the wife of his younger brother and on the alleged date, his daughter was taken away by the petitioner for her teeth treatment as instructed by his brother



Vijay Marshal @ Vijay Yadav thereafter, her dead body was found on NH-57.

It has been submitted by the learned counsel for the petitioner that he is innocent and has no criminal history and is step brother of the husband of the deceased. It has further been submitted that the petitioner had admitted that he took away the deceased on the pretext of the treatment of teeth but handed her over to brother Sanjay Yadav for taking her for treatment. He submits that he was apprehended by the police from his house and has no complicity in the aforesaid offence and has been falsely implicated. He further submits that charge sheet has already been submitted, hence there is no chance of tampering with the evidence.

Learned A.P.P. for the State submits that the petitioner is named in the F.I.R. It is further submitted that in the postmortem report, there are number of bruises and death has been caused by strangulation, hence, opposes the prayer for bail.

From the materials available, it appears that the petitioner has made self confessional statement that being the step brother and charge sheet has already been submitted, hence, petitioner;s liberty on bail would not effect the trial and hence in the interest of justice, let the petitioner, above named, be released



on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction learned Sub Divisional Judicial Magistrate, Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No. 125 of 2016.

This is however subject to the condition that the petitioner will file an undertaking duly supported by the personal affidavit before the Trial Court and he will appear physically before the Court below on each and every date till the disposal of the case and in case of failure on two consecutive dates without giving any reasonable explanation, this liberty granted will be deemed to be cancelled.

With these observations and directions, this bail application is allowed.

(Nilu Agrawal, J)

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