

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28411 of 2016

Arising Out of PS.Case No. -177 Year- 2015 Thana -BELDAUR District- KHAGARIA

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Rajdeep Yadav Son of Maya Ram Pd. Yadav Resident of village-Maniya
P.S.- Salkhua (Banma Itahari O.P.), Distt - Saharsa

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

4 21-11-2016 Heard both sides.

The petitioner apprehends his arrest in Beldaur P.S. Case No. 177/2015, registered for the offences punishable under Sections 364, 302, 201 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The informant widow of the deceased named three persons namely, Akhilesh Singh, Prabhat Kumar Singh, Abhimanyu Yadav along with five unknown persons and alleged that they all came on motor-cycles and took her husband on the pretext of feast, but they shot her husband. After killing her husband the accused persons threw the dead-body in a river after cutting into pieces.

Learned counsel for the petitioners submits that

petitioner is not named in the F.I.R. The name of the petitioner figured in the case for the first time in para 75 of the case-diary from the mouth of Arun Kumar Yadav the brother-in-law of the deceased who said that the petitioner had enmity with the deceased on account of buffalo, but there is no material to show that the petitioner participated in the murder of the husband of the informant on account of such enmity.

Learned A.P.P. did not point out any material against the petitioner.

Considering the facts aforesaid, the petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Khagaria in connection with Beldaur P.S. Case No. 177/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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