

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55253 of 2015

Arising Out of PS.Case No. -35 Year- 2015 Thana -SIMRA District-
WESTCHAMPARAN(BETTIAH)

1. Manbhawati Devi Wife of Raju Yadav, Resident of Village -
Panchganwa, P.S. - Semara, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.1655 of 2016

Arising Out of PS.Case No. -35 Year- 2015 Thana -SIMRA District-
WESTCHAMPARAN(BETTIAH)

1. Buchan Yadav S/o Horil yadav Resident of Village- :Panchgawa, P.s
Semra, District West Chamapran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.1072 of 2016

Arising Out of PS.Case No. -35 Year- 2015 Thana -SIMRA District-
WESTCHAMPARAN(BETTIAH)

1. Binod Yadav son of Paras Yadav, resident of village- Panchgawan, P.S.-
Semra, District- West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.55253 of 2015)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Rina Sinha(App)

(In Cr.Misc. No.1655 of 2016)

For the Petitioner/s : Mr. Vijay Kr Singh No. 1

For the Opposite Party/s : Mr. Subash Chandra Mishra(App)

(In Cr.Misc. No.1072 of 2016)

For the Petitioner/s : Mr. Milind Kumar Mishra

For the Opposite Party/s : Mr. Sanjay Kr. Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 11-02-2016

All the three Criminal Miscellaneous are of the same occurrence and as such have been heard together and are being disposed of by passing this common order.

Heard the learned counsel for the petitioners, the learned A.P.P for the State as also the learned counsel for the Informant.

The petitioners seek bail in a case for the offences punishable under sections 302, 201, 120 B and 34 of the I.P.C

Allegedly, Niraj Kumar Yadav @ Mulayam Yadav, the son of the informant, was not going to school on the plea that the petitioner Buchan Yadav, co-accused Sanjay Yadav, Raju Yadav, Binod Yadav and Jaiprakash Yadav have told him to go to Bagaha but the informant brought his son to the school and from there he did not return and after hectic search his handless dead body was recovered.

Submission is of false implication and that the petitioners Manbhawati Devi and Binod Yadav son of Paras Yadav are not named in the FIR, during investigation name of petitioner Binod Yadav has come that he took away Niraj Kumar Yadav @ Mulayam Yadav when he was playing and thereafter his dead body was recovered from Harha river, against petitioner



Manbhawati Devi there is no legal and cogent material except the confessional statement of her husband and the alleged recovery of spade which is the common house hold article, the confessional statement of co-accused Raju Yadav and the petitioner Binod Yadav before police have got no evidentiary value in the eye of law, in the confessional statement of Raju Yadav name of petitioner Buchan Yadav has come, he was also not seen by any one with the deceased and as such the petitioners who are suffering in custody deserve sympathetic consideration as the FIR named accused Jaiprakash Yadav and others have not been charge sheeted and after investigation final form has been submitted against them and that co-accused Jaiprakash Yadav has been allowed bail by another coordinate Bench of this Court.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that under criminal conspiracy Niraj Kumar Yadav @ Mulayam Yadav was killed by the petitioners and the petitioner Manbhawati Devi concealed the spade knowing that the same was used in the crime and the petitioner Buchan Yadav has brutally killed the deceased as is evident from the confessional statement of the co-accused.

In the facts and circumstances as stated above, considering that the witnesses Lakshmi Yadav and Savitri Devi,

vide paragraphs- 8 and 9 of the case diary, and further other witnesses have also supported that petitioner Binod Yadav took away Niraj Kumar Yadav @ Mulayam Yadav for giving him chocolate when he was playing and thereafter his dead body was recovered and further he confessed his guilt and as such this Court is not inclined to enlarge the petitioner Binod Yadav on bail and accordingly his such prayer stands rejected.

So far petitioners Manbhawati Devi and Buchan Yadav are concerned, finding no cogent and legal material against them, they are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Shri Ghanshyam Singh, J.M. 1st Class, Bagaha, West Champaran/ A.C.J.M. Bagaha, District- West Champaran in Semara P.S. Case No. 35 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

Abhay/-

(Jitendra Mohan Sharma, J)

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