

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3577 of 2016

Arising Out of PS.Case No. -79 Year- 2015 Thana -JANKINAGAR District- PURNIA

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1. Shiv Nandan Yadav Son of Late Deval Yadav,
2. Ratan Yadav, Son of Shiv Nandan Yadav,
Both resident of village and Police Station - Janki Nagar, District - Purnea.
..... Petitioners

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. M. Rab, (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 18-03-2016 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners seek bail in connection with Janki Nagar
P.S. Case No. 79 of 2015 registered for the offences punishable
under Sections 341, 342, 323, 364, 120B of the Indian Penal
Code.

The petitioners are named in the first information report
along with other co-accused with allegation that the petitioners
and other co-accused assaulted Jogi Yadav after tying him in a tree
and thereafter, took away for providing treatment but made him
traceless. During investigation on the basis of confessional
statement of Amar Yadav skeleton of Jogi Yadav was recovered.

Submission is of false implication and that confessional
statement of petitioner no. 1 recorded by the Police vide paragraph

53 of the case diary has got no evidentiary value in the eye of law, the petitioners are suffering in custody since 01.08.2015 and 29.06.2015 respectively to which learned APP opposes by submitting that on the basis of confessional statement of Amar Yadav skeleton was recovered.

In the facts and circumstances stated above, considering the period of detention and further that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioners above named are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Janki Nagar P.S. Case No. 79 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.

(Jitendra Mohan Sharma, J)

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