

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5873 of 2016

Arising Out of PS.Case No. -158 Year- 2015 Thana -BIHARIGANJ District- MADHEPURA

1. Kartik Yadav, Son of Kesho Yadav, Resident of Village- Rajganj, P.S.-
Bihariganj, District- Madhepura..... Petitioner

Versus

1. The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Pawan Kumar

For the Opposite Party/s : Mr. Renu Kumari (App)

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

ORAL ORDER

3 01-04-2016

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Bihariganj P.S.
Case No. 158 of 2015 registered for the offences punishable under
Sections 302, 120B/34 of the Indian Penal Code.

Allegedly, Guriya Kumari the daughter of the informant
became traceless from the house in the night and after search her dead
body was found in the canal. It is alleged that the petitioner and others
have killed her and threw the dead body in the canal.

Submission is of false implication and that during
investigation it has come that the petitioner was having bad intention
against Guriya Devi and for that the petitioner might have killed her.
One witness Champa Kumari has stated that the petitioner was seen
coming in the house of Guriya Kumari but due to alarm being raised the
petitioner fled away but this fact is not mentioned in the first
information report and as such it appears not reliable, moreover, when

the petitioner fled away alone, then how Guriya Kumari went out of her house is a mystery. It is further submitted that it might be a case of honour killing and the petitioner has been falsely implicated.

Learned APP after going through the case diary fairly submits that there is no direct evidence.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Uda Kishunganj, Madhepura in connection with Bihariganj P.S. Case No. 158 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 petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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