

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13077 of 2016

Arising Out of PS.Case No. -27 Year- 2013 Thana -DULHIN BAZAR District- PATNA

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Anil Kumar @ Anil Yadav, Son of Satendra Yadav, Resident of Village-
Dorwan Mathiya, P.S.- Dulhin Bazar, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Surendra Pd.Singh (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 31-03-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered under
Sections 364, 302 and 201/34 of the Indian Penal Code.

Petitioner and other F.I.R. named accused are said to
have entered into the house of the informant and forcibly took the
informant's daughter in the night of 6/7.02.2013 and in the next
morning, the dead body of the informant's daughter was recovered
from a field. The present case was lodged on 8.2.2013.

Learned counsel for the petitioner points out that co-
accused Satyendra Yadav, having more or less similar allegation,
has already been granted privilege of bail by a Co-ordinate Bench
of this Court vide order dated 23.4.2014 passed in Cr. Misc.

No.49278 of 2013 whereas other accused namely Naresh Yadav and others have been granted privilege of bail by learned Additional Sessions Judge-Ist, Danapur vide order dated 12.2.2015 and so far as petitioner is concerned, the case of the petitioner is on similar footing to that of co-accused persons.

On the other hand, learned counsel appearing for the informant opposed the prayer submitting that it were petitioner and co-accused Sunil Kumar, who captured the informant at the time of alleged occurrence and moreover, the petitioner could be remanded in this case after great efforts as the informant filed Cr. Writ before this Court and after that petitioner could be arrested. It is further pointed out that just after the alleged occurrence, informant gave a written report to Officer-in-charge of concerned police station but the concerned Officer-in-charge, in collusion with accused persons of this case, did not register any case.

The investigation against the petitioner has already been completed as it is evident from the impugned order dated 2.3.2016. Moreover, Annexure-2, the photo copy of the order dated 23.4.2014 passed in Cr. Misc. No.49278 of 2013 goes to show that in course of investigation, the own family members of the informant stated that the brother of the petitioner was caught in objectionable condition along with the deceased and after that he

was assaulted by the brother of the deceased. Furthermore, in course of investigation, it is stated that prior to alleged occurrence, deceased was seen along with her brother going on a motorcycle.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that case of petitioner is almost on similar footing to that of co-accused Satyendra Yadav and others, let the petitioner above named is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-VI, Danapur, District- Patna in connection with Dulhin Bazar P.S. Case No.27 of 2013.

(Hemant Kumar Srivastava, J)

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