

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22379 of 2016

Arising Out of PS.Case No. -288 Year- 2015 Thana -JAYNAGAR District- MADHUBANI

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1. Satya Narayan Yadav Son of Late Rameshwar Yadav
2. Ajit Yadav @ Indrajeet Yadav Son of Satya Narayan Yadav resident of village- Chharapatti, P.S.- Jay Nagar, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav
For the Opposite Party/s : Mr. Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 12-07-2016 Heard learned counsel for the petitioners, learned A.P.P. representing the State and learned counsel for the informant.

The petitioners seek bail in connection with Jay Nagar P.S. Case No. 288 of 2015 registered for the offences punishable under Sections 363, 364/34 and 379 of the Indian Penal Code.

Allegedly, co-accused Lalit Yadav and Ramyas Devi called Dukhani Devi, the wife of the informant and brought her at their house and thereafter again the wife of the informant came back with them and went away with ornaments and cash of Rs. 18,000/- and thereafter, the petitioners and other took away her on motorcycle. It is alleged that Santosh Kumar Yadav told the

informant that the petitioners and others have taken away his wife on motorcycle and it is alleged that they have kidnapped her with an intention to kill.

Submission is of false implication and that besides suspicion, there is nothing against the petitioners, the prosecution story appears not probable and reliable, the statement of Santosh Kumar Yadav has not been recorded during investigation, co-accused Lalit Yadav confessed his guilt but has not stated the name of the petitioners and it is alleged that as per disclosure made by Lalit yadav, the dead body of Dukhani Devi was recovered. petitioners are suffering in custody without any legal and cogent material, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that the petitioners are named in the First Information Report and further witnesses have also stated their names and petitioner no. 1, Satya Narayan Yadav fled away from police custody and thereafter he was arrested.

In the facts and circumstances stated above, considering that during investigation, Santosh Kuamr Yadav who has stated the name of petitioners has not been examined and

further in the confessional statement of co-accused Lalit Yadav, petitioners are not named, there is no chance of tampering with the prosecution evidence and, as such, now above named petitioners 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 S.D.J.M., Madhubani in connection with Jay Nagar P.S. Case No. 288 of 2015 subject to the conditions that one of the bailors must be 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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