

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.34137 of 2016**

Arising Out of PS.Case No. -251 Year- 2015 Thana -CHOUTARWA District-  
WESTCHAMPARAN(BETTIAH)

=====

Hoshila Yadav, S/O Late Vishwanath Yadav, resident of Village- Shera Bazar, P.S.- Bathwaria, District- West Champaran.

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

=====

**Appearance :**

For the Petitioner : Mr. Baxi S.R.P. Sinha, Sr. Adv.  
Mr. Anand Kishore Choudhary, Adv.

For the Opposite Party : Mr. Nityanand Tiwary (APP)

=====

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

3      28-09-2016                      Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner seeks bail in a case instituted under  
Sections 302 and 201/34 of the Indian Penal Code.

The prosecution case, in brief, is that the petitioner  
along with other co- accused committed murder of the husband of  
the informant.

It has been submitted on behalf of the petitioner that the  
petitioner is in custody since 20.03.2016. The charge sheet has  
been submitted in the present case. There is no allegation of  
tampering of witnesses alleged against the petitioner. The  
petitioner has falsely been implicated in the present case. The

informant is not an eyewitness to the alleged occurrence, which took place in the Sugarcane field. The alleged date of occurrence is 31.08.2015. The fardbeyan of the informant was recorded on 04.09.2015 and the said F.I.R. was sent to the court of A.C.J.M., Bagaha, West Champaran, on 07.09.2015. It indicates that the F.I.R. is anti-dated. There is no substantive evidence to implicate the petitioner in the present case nor there is any circumstantial evidence to show the implication of the petitioner in the present case.

On behalf of the state it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned A.C.J.M., Bagaha, West Champaran, in connection with Chautarwa P.S. Case No. 251 of 2015.

**(Sudhir Singh, J.)**

Amit/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|