

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31343 of 2016

Arising Out of PS.Case No. -2 Year- 2016 Thana -MEHUS District- SEKHPURA

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1. Sadhu Yadav S/o Beni Yadav Resident of Village- Sarmaidan P.S. Sheikhpura (O.P. Hathiyawan) District Sheikhpura..... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Advocate

Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Sri Hirday Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 09-09-2016 Heard learned Sr. Counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Mehush P.S. Case No.02 of 2016 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

Allegedly, the petitioner developed illicit relationship with the deceased, later on, the petitioner deserted her, resulting there was panchayati in the village and the petitioner was directed to make payment of Rs. 500/- per month to the deceased but the petitioner did not pay the amount and when she demanded the petitioner started assaulting her, resulting, the deceased lodged a case at Hathiyama Police Station also and since then, the petitioner was in search of the occasion and thereafter, the dead body of Geeta Devi was found and it appears that she has been

strangled to death with the help of portion of her sari and further her mouth was also smashed and her mobile was also found traceless. The petitioner after his arrest has confessed his guilt wherein he has named other accused also disclosing the manner of occurrence. Other co-accused have also confessed their guilt.

Submission is of false implication and that besides suspicion and confessional statement, there is nothing against the petitioner, co-accused Bhagwan Yadav and Makesar Yadav have been allowed bail and as such the petitioner also deserves sympathetic consideration to which the learned APP opposes.

In the facts and circumstances stated above, considering that there is no direct evidence against the petitioner and on the basis of confessional statement of the petitioner nothing was recovered, 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 Sri R. R. Singh, Judicial Magistrate Ist Class, Sheikhpura in connection with Mehush P.S. Case No. 02 of 2016, 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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