

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29405 of 2016

Arising Out of PS.Case No. -244 Year- 2015 Thana -BRAHMPURA District- MUZAFFARPUR

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Toffi Yadav @ Manish Kumar Son of Shri Anil Yadav resident of
Village/Mohalla- Krishna Toli, P.S.- Brahmpura, District- Muzaffarpur.
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.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Shashank Shekhar, Advocate.

For the Opposite Party : Mr. Sri Awadhesh Kumar Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 05-09-2016

Heard learned counsel for the petitioner, learned

counsel for the informant and learned counsel for the State.

The petitioner is languishing in custody in connection with Brahmpura P.S. Case No. 244 of 2015 for the offences instituted under Sections 147, 148, 149, 341, 323, 325, 307, 385, 427 and 302 of the Indian Penal Code.

There is allegation against the petitioner that he along with other co-accused demanded ransom of Rs. 50,000/- from the deceased and when he refused to give, he was assaulted with rod and butt of pistol, on his head and on finding him dead, looted Rs. 60,000/- and golden chain and also damaged his four wheeler.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 04.12.2015. The charge sheet has been submitted in the present case. No allegation of tampering of witnesses alleged against the petitioner. The informant is not an

eyewitness to the alleged occurrence. The case has been instituted on the narration made by the deceased to the informant, in respect to the occurrence. The deceased has been examined in para-16 of the case diary, there also general and omnibus allegation has been made against the petitioner and others. In the postmortem report, it has been stated that the deceased died due to septicemia. The death of the deceased is said to have taken place, after two months from the date of occurrence. Hence, the deceased is said to have died due to secondary haemorrhage and not because of primary haemorrhage. The other co-accused has been granted bail vide Annexure-3 to the present application.

On behalf of the state and the counsel for the informant, it has been submitted that the petitioner is named in the First Information Report along with other accused persons. The petitioner has actively participated in the alleged occurrence.

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 Chief Judicial Magistrate, Muzaffarpur, in connection with Brahmpura P.S. Case No. 244 of 2015.

(Sudhir Singh, J.)

Amit/-

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