

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4951 of 2016

Arising Out of PS.Case No. -178 Year- 2015 Thana -AMARPUR District- BANKA

Jay Ram Yadav @ Jay Ram Kr. Yadav Son of Uchit Yadav, Resident of
Village- Posraha, Police Station- Katoriya (O.P. Suiya), District- Banka.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Mukherjee, Advocate.

For the Opposite Party : Mr. Sucheta Yadav(APP)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 28-04-2016 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in
connection with Amarpur (Fullidumar) P.S. Case No. 178/2015
registered for the offences punishable under Sections 302 and
201/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is a local villager and sometimes used to drive
motorcycle. It is submitted that since the deceased had to go to
Sahebganj, the petitioner was called from his house to take him
thereat. It is further submitted that after reaching Sahebganj, the
petitioner was directed to return back. Subsequently, the dead
body of the deceased was found at a distance of 15 kilometer from



the village. Learned counsel for the petitioner further submits that though there was an enmity between the deceased and other two accused persons namely Ramdeo Yadav and Chano Yadav for exchanged of money and that two other accused persons namely Arjun Yadav and Kamdeo Yadav had threatened the father of the deceased. So far as the present petitioner is concerned, there was no motive or any enmity or any allegation against him, so as to necessitate the commission of such an offence. Learned counsel for the petitioner further submits that the petitioner has no criminal antecedent and only because of the last seen theory, the petitioner's name has been roped in the present context.

Learned counsel appearing on behalf of the State submits that save and except the aforementioned allegation against the petitioner, there is no further material in the case diary so as to draw finger at the petitioner.

Considering the aforementioned facts and circumstance and that the petitioner has no criminal antecedent, let the petitioner above named, in the event of his arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned

Chief Judicial Magistrate, Banka in connection with Amarpur
(Fullidumar) P.S. Case No. 178/2015 subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J.)

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