

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6352 of 2016

Arising Out of PS.Case No. -222 Year- 2015 Thana -KHARIK District- BHAGALPUR

=====

Awadhesh Yadav @ Awadhesh Kumar Yadav S/o Late Bhagwan Yadav,
resident of Village- Dadpur, P.S.- Kharik, District- Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Ashok Kumar Yadav, Advocate.

For the Opposite Party : Mr. Ram Sewak Choudhary (APP)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 07-04-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Kharik
P.S. Case No. 222 of 2015 registered for the offence punishable
under Section 365 of the Indian Penal Code.

Allegedly, Suman Kumar, the younger brother of the
informant after receiving call on his mobile went out of the house
on 02.12.2015 at 7-8 P.M. and thereafter he did not return and his
mobile has also been found switched off. During investigation, the
name of the petitioner transpired and further he confessed his guilt
also.

The submission is of false implication and that there
is no legal and tangible material against the petitioner, F.I.R has
been lodged after 8 days without any explanation, without any
legal and tangible material charge sheet has been submitted,
resulting, the petitioner is suffering in custody since 02.01.2016.

No one has seen the petitioner killing the deceased. Alleged confession is of no value.

Learned A.P.P. opposes the prayer of bail by submitting that the daughter of the informant used to talk with Suman Kumar and on her call Suman Kumar went there resulting the petitioner saw them in objectionable condition and then the petitioner killed Suman Kumar and threw the dead body, which is evident from his confessional statement itself.

In the facts and circumstances stated above, considering that the charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such, 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 like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Naugachia in connection with Kharik P.S. Case No.222 of 2015, subject to 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 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.)

Amit/-

U		T	
---	--	---	--