

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44036 of 2015

Arising Out of PS.Case No. -28 Year- 2015 Thana -SANGRAMPUR District- MUNGER

Lalu Yadav S/o Suresh Yadav, resident of Village- Birajpur, P.S.-
Sangrampur, District- Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Zainul Abedin(App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 29-03-2016 Heard learned counsel for the petitioner, father of the
deceased and learned counsel for the State.

The petitioner apprehends his arrest in connection with
Sangrampur P.S. Case No. 28 of 2015 registered for the offences
punishable under Sections 302/34, 341 and 323 of the Indian
Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that husband
of the informant was brutally murdered by motorcycle borne
miscreants, who are named in the First information Report.
Petitioner is not named in the First Information Report. It is
further submitted that name of the petitioner surfaced
subsequently, in the statement of the father of the deceased, who
came to cast allegations stating that the informant was the person,
who was responsible for the occurrence, as she was having illicit



relationship with the present petitioner. It is further submitted that though all close persons namely, father, brother and other family were present on the date of occurrence nobody came forward to lodge the FIR. Hence, on the subsequent day, the informant went to lodge the FIR. Even though it has been stated that the father, other brothers and many other persons had witnessed the occurrence and had also seen the petitioner fleeing away from the place of occurrence, counsel for the father of the deceased failed to explain why he had not lodged the FIR.

The statements under Section 164 Cr.P.C., made by the father of the petitioner and other witnesses have also come on record. After reading the statement recorded under Section 164 Cr.P.C., the occurrence as has been described by the father so as to indicate that, in fact, he was very much eye witness to the occurrence. However, in his initial statement made under Section 161 Cr. P.C., he himself contends that he had reached the place of occurrence after hearing commotion from the villagers, and if, at all, he had reached later, then it was highly improbable that deceased's father would have given a such graphic picture of the occurrence, as has been made out in the statement under Section 164 Cr.P.C. As such, the same does not prima facie inspire confidence.

Learned counsel appearing on behalf of the father of the deceased, however, contends that the informant herself is responsible for the death of her husband and only to cover up her own involvement in the occurrence, she has lodged the present FIR giving the name of other persons.

Considering the cloud cast on the prosecution case that the petitioner's name surfaced in the case diary only in the statement of such witnesses, whose credibility can be well placed under question mark, 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 bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Munger in connection with Sangrampur P.S. Case No. 28 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Jagdish/-

(Anjana Mishra, J)

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