

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37538 of 2016

Arising Out of PS.Case No. -354 Year- 2016 Thana -SAHARSA District- SAHARSA

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1. Pappu Kumar @ Pappu Kumar Yadav Son of Hriday Yadav Resident of
village - Mithai, Police Station & District Madhepura

..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Verma, Advocate

For the Opposite Party/s : Mr. Pancha Nand Pandit, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-09-2016

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Saharsa Sadar P.S.Case No. 354/2016 registered for offences
punishable under Sections 302, 201 and 34 of the Indian Penal
Code.

The prosecution case as lodged on the basis of written
report of the informant, namely, Dhananjay Kumar Yadav before
the police on 25.04.2016 is that his younger brother, Laloo Kumar
Yadav (deceased) was in Bihar Military Police and posted at
Begusarai and the brother of the informant was present in Patna
from 23.01.2016 to 28.01.2016 and came back Begusarai on
29.01.2016. The last conversation of deceased with his maternal
nephew (Bhanja) was on 29.01.2016. It is also stated that the
deceased had marital discord with his wife for which he was made

to pay Rs. 5000- towards her maintenance. The deceased had strained relations with his father-in-law Arjun Yadav, mother-in-law Rani Devi, brother-in-law Om Prakash Yadav and maternal father-in-law Sanjay Yadav, all had threatened the deceased. It is also alleged that after submitting his arms when the deceased was coming back to home from Patna, all the accused persons after robbing him, hacked him to death and put him on the railway track where his body was mutilated in pieces. It is further alleged that during course of enquiry by the informant, Pappu Kumar Yadav (petitioner) asked the informant Rs. 25,000/- to reveal the place where the deceased was killed and to get the recording of the voice.

It has been submitted by the learned counsel for the petitioner that he has been implicated only on the basis of suspicion. He also submits that allegation against this petitioner is that he demanded Rs. 25,000/- for revealing the name of culprits, who indulged in the murder of the informant's brother is false. He also submits that Section 302 of the I.P.C. is not applicable against the petitioner and that the petitioner has no criminal history as is evident from para-3 of this application.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the petitioner has been named in

the F.I.R. only on the basis of suspicion as having knowledge of the said occurrence, let the above named petitioner, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 354/2016, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

It is made clear that the petitioner will co-operate with the investigation and appear before the police/Court as and when required and on failure to appear on two consecutive dates without any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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