

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23237 of 2016

Arising Out of PS.Case No. -252 Year- 2013 Thana -JHAJHA District- JAMUI

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1. Prabhu Yadav son of Late Mana Yadav resident of village - Balapadar,
p.s. - Jhajha, Distt. - Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakash Mahto

For the Opposite Party/s : Mr. Bhanu Pratap Singh(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 14-07-2016

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered under
Sections-302/34 of the Indian Penal Code.

The dead body of the deceased was recovered on 29-12-2013 and after that, the present case was lodged against one Manoj Yadav and some unknown persons. In course of investigation, the police recorded statement of one Parwati Devi at paragraph-35 of the case diary on the next day of the alleged occurrence and she claimed that co-accused Chhoti Yadav and Prabhu Yadav had assaulted the deceased in front of her house and after that, the petitioner, co-accused Chhoti Yadav and deceased proceeded from there by the vehicle of the deceased. It also came to light that the deceased had sweet relation with niece of the petitioner and Chhoti Yadav and that was the reason of committing the alleged crime.

Submission on behalf of petitioner is that co-accused Chhoti Yadav has already been granted privilege of bail by a coordinate bench of this court vide order dated 19-01-2015 passed in Cr. Misc. No. 24374 of 2014 and so far as petitioner is concerned; he is languishing in jail custody since 16-03-2016. It is further submitted that even if, the statement of aforesaid Parwati Devi is assumed to be true, then also, it is not clear who committed the murder of deceased because the aforesaid witness is only stated about the story of assault. It is submitted that the petitioner does not have any criminal antecedent and the case of the petitioner is similar to that of co-accused, Chhoti Yadav.

Considering the above-said facts and circumstances of the case as well as submission of the parties and also taking note of this fact that the investigation against the petitioner has already been completed, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Jhajha P.S. Case No. 252 of 2013 to the satisfaction of learned Sub Divisional Judicial Magistrate, Jamui.

(Hemant Kumar Srivastava, J)

A.K.V./-

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