

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7683 of 2016

Arising Out of PS.Case No. -621 Year- 2015 Thana -BANKA District- BANKA

1. Himanshu @ Hira Yadav, S/o Kanti Yadav, Resident of Old Bus Statnd,
Banka, Police Station- Banka, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Anita Kumari (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 11-05-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 302 and 201/34 of the I.P.C

Allegedly, Jitendra Yadav @ Sethi, the son of the
informant was found killed and accordingly the First Information
Report was lodged against unknown. During investigation on the
basis of the mobile tracking the petitioner was caught and he
confessed his guilt that he hired co-accused Painter Kumar Mishra
for assaulting the deceased and to fracture his hands and legs but
Painter Kumar Mishra killed him. He also confessed that he was
having love affair with the wife of the deceased who is his Sali.

Submission is of false implication and that besides the
confessional statement there is nothing against the petitioner, there

is no legal and tangible material, if the confessional statement of the petitioner is believed there was no intention to commit murder and as such the petitioner who is suffering in custody since 23.10.2015 deserves sympathetic consideration.

The learned A.P.P. submits that during investigation it has come that the petitioner was having love affair with the wife of the deceased and thereafter the petitioner hired co-accused and that co-accused killed the deceased.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Banka in Banka P.S. Case No. 621 of 2015, subject to the conditions that one of the bailors must be a 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)

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