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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50058 of 2016

Arising Out of PS.Case No. -126 Year- 2016 Thana -BAUNSI District- BANKA

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PRAFULLA YADAV @ PRAFULLA KUMAR, son of Shanker Yadav, resident of village-Simramore, P.S. Bounsi, District-Banka.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :
For the Petitioner : Mr. Praveen Kumar, Advocate
For the Opposite Party : Mr. Sanjay Kumar Tiwary 1, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-11-2016 Heard the learned counsel for the petitioner and the learned APP for the State.

Petitioner is languishing in judicial custody since 30.07.2016 in connection with Bounsi P.S.Case No.126 of 2016 registered for offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that the informant alleging therein that deceased's husband Dilip Panjiara used to purchase seed and sell and the dealer Pradip Bhuwania also used to do the same business with whom there was a relationship of transaction between Dilip Panjiara and Pradeep Bhuwania, but for the last few months the relationship discontinued, this resulted in dispute between Dilip Panjiara and Pradeep Bhuwania. Pradeep Bhuwania was unahppay from the increasing business of Dilip Panjiara and

this resulted in the murder of deceased on 01.07.2016 in front of referral Hospital on Dam Road, by the criminals by the fire arm and accused persons fled away towards forest.

It has been submitted by learned counsel for the petitioner that he is not named in the FIR and has falsely been implicated in the aforesaid case. He submits that apart from the confessional statement of co-accused Jaikant Yadav @ Sanjay Yadav, Sachindar Mirgha and Sawan Kumar Singh there is no other material on record except that a country made katta and live cartridge and a mobile were recovered from the possession of the petitioner for which a separate case bearing Bounsi P.S.Case No.128 of 2016 has been instituted against him. He further submits that the petitioner has been implicated only on the ground of suspicion and confessional statement of the other co-accused which has got no other evidentiary value in the eye of law. It has also been submitted that another co-accused has since been granted the privilege of bail on similar allegation being Cr.Misc.No.38040 of 2016 on 24.10.2016 by a Coordinate Bench of this Court.

However, learned APP for the State submits that the petitioner although not named in the FIR was acting on the behest of the said Pradeep Bhuwania, hence opposes the prayer for bail.

Considering the facts and circumstances and materials on record and that on similar allegation another co-accused has been granted the privilege of bail, let the above named petitioner 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 learned CJM, Banka in connection with Bounsi P.S.Case No.126 of 2016.

It is further noted 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.

(Nilu Agrawal, J)

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