

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.747 of 2016

Arising Out of PS.Case No. -103 Year- 2015 Thana -KATORIA District- BANKA

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1. LUXMAN YADAV S/o Udeswar Yadav Resident of village- Lalmatiya
(Rikhiya Rajdah), Police Station- Katoriya, District- Banka.... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. P.K.Chaurasiya(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 10-03-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Katoriya P.S. Case No.
103 of 2015 registered for the offences punishable under Sections 302,
201/34 of the Indian Penal Code.

Allegedly, Basudeo Yadav (deceased) went with the petitioner
on his bicycle on 08.05.2015 at 3:00 pm but thereafter, he did not
return and the dead body of the father of the informant was found in
Chilkara forest having injury on his eyes, hydrocil, head and neck and
further his left hand was also found fractured. During investigation the
petitioner confessed his guilt also.

Submission is of false implication and that as per direction of
Baleswar Yadav, the petitioner provided him lift on his bicycle and
thereafter, the father of the informant went away, the petitioner got no
concern with the alleged crime, in the confessional statement also the
petitioner has not stated that he killed the deceased and further that

confessional statement has got no evidentiary value in the eye of law. Besides suspicion there is nothing against the petitioner, co-accused Sumiya Devi has already been allowed bail by another co-ordinate Bench of this Court, the petitioner is suffering in custody since 12.05.2015, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned APP submits that the petitioner was seen with the deceased by two witnesses also.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge Vth, Banka in S.T. No. 265 of 2015 arising out of Katoriya P.S. Case No. 103 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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