

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6438 of 2017

Arising Out of PS.Case No. -125 Year- 2016 Thana -PHULPARAS District- MADHUBANI

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1. Sanjay Marshal @ Sanjay Yadav Son of Rambilash Yadav Resident of
Village- Phulpras East Tole, P.S.- Phulpras, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-02-2017 Heard leaned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in jail since 05.08.2016
in connection with Phulpras P. S. Case No. 125 of 2016 for
offences punishable under Sections 302, 201, 34 and 120 (B) of
the Indian Penal Code.

The prosecution case as lodged by the mother of the
deceased is that her daughter, Shailo Devi was married with Vijay
Marshal @ Vijay Yadav ten years back and from the very
beginning the deceased husband used to assault and gave her
threatening. He has illicit relationship with the wife of his younger
brother and on the alleged date, his daughter was taken away by
another accused Ranjay Yadav for her teeth treatment as instructed



by his brother Viajy Marhsal @ Vijay Yadav thereafter, her dead body was found on NH-57.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case out of personal enmity. He further submits that another co-accused Ranjay Yadav had taken away the daughter of the informant for treatment and only general and omnibus allegation has been levelled against this petitioner. He further submits that charge sheet has already been submitted, hence there is no chance of tampering with the prosecution evidence. It is further submitted that co-accused Ranjay Yadav, with whom the informant's daughter went, has since been granted the privilege of bail in Cr. Misc. No. 41575 of 2016 by order dated 30.11.2016 and also another co-accused Vijay Yadav @ Vijay Marshal has since been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. No. 49132 of 2016 dated 21.12.2016.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R., hence opposes the prayer for bail.

Considering the facts and circumstances of the case and that another co-accused have been granted privilege of bail, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of



the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Jhanjharpur, Madhubani in connection with Phulpras P.S.Case no. 125 of 2016, subject to the condition that the petitioner is directed to appear before the police/Court on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bond.

(Nilu Agrawal, J)

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