

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11640 of 2017

Arising Out of PS.Case No. -220 Year- 2016 Thana -ATRI District- GAYA

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1. Devendra Yadav son of Late Narsingh Yadav Village - Dihuri, P.S. -
Atri, District - Gaya. Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anjani Kumar Jha

For the Opposite Party/s : Mr. Sri Rana Randhir Singh

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 08-04-2017 Heard both sides.

The petitioner seeks bail in Atri P.S. case No. 220 of
2016 under Section 302/34 of the Indian Penal Code.

The informant alleged that on 04.11.2016, at about 2
PM, Devendra Yadav, former Mukhiya, the petitioner, took his
brother, Lalan Sao, but his brother did not return. Wife of Lalan
Sao called Devendra Yadav thrice but Devendra Yadav, the
petitioner, disclosed that Lalan Sao was not with him. The
informant went in search of his brother but the villagers disclosed
that dead body of his brother was lying by the side of a river.

The learned counsel for the petitioner submits that
there is no eye witness of the occurrence. The petitioner had no
enmity with the deceased. The deceased went along with the
petitioner but he left the company of the petitioner and thereafter
the petitioner took wine in the company of Mahesh Yadav and



Chhotu Yadav. The witnesses also saw the petitioner but the deceased was not in the company of the petitioner and others. It is further submitted that factum of borrowing money from the deceased has not been disclosed in the FIR. The story is developed later on only to show motive on the part of the petitioner.

The learned Additional Public Prosecutor, however, opposed the prayer for bail and submitted that petitioner had taken money from the deceased and that is why it was the petitioner, who is suspected to have killed the deceased.

Having considered the facts that petitioner, of course, went with the deceased but later on while the petitioner was taking wine in the shop along with two others but the deceased was not found in their company, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Gaya in Atri P.S. Case No. 220 of 2016.

(Prabhat Kumar Jha, J)

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