

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22896 of 2017

Arising Out of PS.Case No. -81 Year- 2016 Thana -DHARHARA District- MUNGER

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Himanshu Kumar, S/o Chilmili Yadav @ Chilmil Yadav, resident of
Village - Sri Rampur, P.S. Akbar Nagar, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 22-06-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in custody since 13.02.2017
in connection with Dharahra P.S. Case No. 81/16, for the offences
alleged under Sections 364/34 of the Indian Penal Code, but later
on Section 302 of the I.P.C. has also been added.

The prosecution case as lodged by one Beby Devi, is
that her daughter Chanda Kumari was married with accused
Gaurav Yadav in the year 2016. On 06.09.2016, her son-in-law
came to her house and took away his wife and Sali Binita assuring
that both of them will be returned after 2-3 days, but her daughters
could not return. She enquired about her daughters, but could not
trace them out. Mobile phones of her son-in-law as also her



daughters were also found switched off. She along with her husband went to village Sri Rampur then her son-in-law said that he has already sent them to Govindpur. The informant suspected that her daughters might be killed by Gaurav Yadav in connivance with her parents.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the present case being an associate of accused Gaurav Yadav. It is submitted that the petitioner is not named in the First Information Report and on the basis of confessional statement of the accused Gaurav Yadav, who had confessed his guilt and named the petitioner along with others regarding involvement in the crime and it is on the basis of his confessional statement that the skull and clothes of the two girls were recovered. It is further submitted that another co-accused, who has been named by Gaurav Yadav on similar allegation has been granted bail by a Coordinate Bench of this Court in Cr. Misc. No. 2175 of 2017 on 13.02.2017. He submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the petitioner was also accompanying the accused Gaurav Yadav and had complicity in the aforesaid offence, hence, opposes the prayer



for bail.

Considering the facts and circumstances and the materials on record, 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 the Chief Judicial Magistrate, Munger, in connection with Dharahra P.S. Case No. 81/2016, subject to the condition that one of the bailors must be a close relative of the petitioner and another having sufficient immovable property within the territorial jurisdiction of the court concerned and that petitioner will appear before the learned Court below on each and every date during trial and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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