

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42721 of 2017

Arising Out of PS.Case No. -337 Year- 2017 Thana -BETTIAH CITY District-
WESTCHAMPARAN(BETTIAH)

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Niraj Yadav Son of Bhikhari Yadav, R/o Village- Parvatiya Tola, P.S.-
Bettiah, Muffasil, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sri Anand Kishore Choudhary

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 08-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
16.05.2017 in connection with Bettiah Town P.S. Case No. 337 of
2017 for offences punishable under Sections 302, 120-B/34 of the
Indian Penal Code.

The prosecution case, as lodged by the Hawaldar, is that
while trial prisoner Babloo Dubey was being produced in the court
some miscreants fired and killed him. The miscreants were chased
but they managed to escape.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and he has



been falsely implicated just because he is nephew of co-accused Vijay Yadav. He submits that in the confessional statement of Vijay Yadav and Suraj Mahto it is not alleged that any overt act has been committed by the petitioner rather Vijay Yadav has been asked to eliminate Babloo Dubey under trial prisoner by a veteran criminal while he was in custody and the petitioner happens to be nephew of Vijay Yadav. He submits that firing has been made by Suman Sourabh accused was not the petitioner. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 learned Chief Judicial Magistrate, West Champaran Bettiah, in connection with Bettiah Town P.S. Case No. 337 of 2017, subject to the conditions that:

- (1) Both bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit



stating their relationship with the petitioner.

(2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

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