

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40765 of 2017

Arising Out of PS.Case No. -280 Year- 2017 Thana -BODHGAYA District- GAYA

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Haridwar Mishra @ Satyendra Kumar Mishra S/o Late Ramjeet Mishra,
Resident of Village-Mahuari, P.S.-Barachatti, District-Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Smt. Anita Kumari

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 09-10-2017 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 Bodh-Gaya P.S. Case No. 280 of
2017 for offences punishable under Sections 365, 302, 364,
120(B), 34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while his cousin Naresh Kumar Yadav (deceased) proceeded
to attend marriage ceremony on the way the deceased stopped the
motorcycle talked on phone and went with another person
thereafter did not return. During investigation later on, his dead
body was found on the hills of Rajgir.



It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the F.I.R. and has been falsely implicated in the aforesaid case. He submits that he bears no criminal history and his name surfaced on the confessional statement of one co-accused Ranjan Kumar Yadav @ Lavlesh Kumar Yadav. In fact, the deceased was on inimical terms with his Gotia Parsuram Yadav and his family members. The allegation is that the petitioner had contested the election and had promised some money to the co-accused Ranjan Kumar Yadav @ Lavlesh Kumar Yadav but from the confessional statement of the said Ranjan Kumar Yadav @ Lavlesh Kumar Yadav, it is evident that he was himself on inimical terms with Naresh Kumar Yadav (deceased). Learned counsel for the petitioner further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned counsel for the informant and learned APP for the State oppose the prayer for bail stating therein that the confessional statement of co-accused Ranjan Kumar Yadav @ Lavlesh Kumar Yadav shows the complicity of the petitioner in the aforesaid offence.

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, Gaya in connection with Bodh-Gaya P.S. Case No. 280 of 2017, subject to the condition that both bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner and that petitioner will appear before the learned court below during trial on all dates 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)

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