

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50475 of 2017

Arising Out of PS.Case No. -44 Year- 2017 Thana -DUMRA District- SITAMARHI

=====

Dharmendra Yadav @ Dharmendra Kumar Yadav @ Baddy S/o Bacha Prasad Yadav, R/o Village- Bishwanathpur, P.S.- Dumra, District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate.

For the Informant : Mr. Dinesh Jha, Advocate.

For the State : Mr. Akbar Ali, APP.

=====

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 31-10-2017 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in Dumra P.S. Case No. 44 of 2017 (Rail Darbhanga Sitamarhi P.S. Case No. 103 of 2016) registered under Sections 302 and 201/34 of the Indian Penal Code.

Co-accused Upendra Kumar is said to have taken the son of the informant (deceased) on the motorcycle to the house of



the petitioner. Thereafter, all the four accused persons named in the F.I.R. including the petitioner committed his murder and chopped off his hand and dumped his dead body on the railway track, as the deceased was having love affair with the sister of the petitioner.

It is submitted by learned counsel for the petitioner that there is no eye witness of the occurrence. The deceased was not taken by the petitioner rather by Upendra Kumar and the motorcycle of the deceased was also recovered from the house of Upendra Kumar. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring his confessional statement recorded before the police, but he has not given any such statement before the police rather police has obtained his signature on blank paper. Moreover the confessional statement recorded before the police has no evidentiary value in the eye of law. The allegation levelled against the petitioner is not specific rather omnibus. Co-accused namely Bachha Yadav who happens to be the father of the petitioner has been enlarged on anticipatory bail by a co-ordinate bench of this court in Cr. Misc. No. 33650 of 2017 vide order dated 21.07.2017. The petitioner has been languishing in custody since 14.05.2017.

Considering the facts aforesaid, 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 Chief Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No. 44 of 2017 (Rail Darbhanga Sitamarhi P.S. Case No. 103 of 2016).

(Prakash Chandra Jaiswal, J)

Mishra/-

U		T	
---	--	---	--

