

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30669 of 2016

Arising Out of PS.Case No. -35 Year- 2015 Thana -SIMRA District-
WESTCHAMPARAN(BETTIAH)

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Raju Yadav, Son of Shyamji Yadav, Resident of village- Bhiroganj, P.S.-
Bhairoganj, District- West Champaran.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner : Mr.
For the State : Mr.
For the Informant : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

5 23-03-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State as also the learned counsel for the

informant.

The petitioner seeks bail in connection with Semra P.S.

Case No.35 of 2015 registered under Sections 302, 201 and

120(B)/34 of the Indian Penal Code.

The accusation is that Niraj Kumar alias Mulayam

Yadav, the son of the informant Shiv Shankar Yadav, was playing

in the evening of 16.07.2015 after returning from the school but he

disappeared. The informant started to search his son near his

neighbourhood but no trace of him was found. Thereafter, the



informant started to search his son in his relations. In that course, the younger brother of the informant informed him that the dead body of a boy is lying near Haraha river on which the informant alongwith others went there and found the dead body of his son. One hand of the son of the informant was found cut and there was also cut injury on the neck of the son of the informant. The informant raised suspicion about having the hands of Buchan Yadav, Sanjay Yadav, Raju Yadav (petitioner), Vinod Yadav and Jai Prakash Yadav, in committing the murder of his son.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that after recovery of the dead body of his son, the informant lodged the present case on 18.07.2015 raising suspicion against the petitioner and four others, after two days of the occurrence of missing of his son. In course of investigation, Ravi Yadav and Bhusah Yadav, vide paragraphs- 10 and 11 of the case diary, have stated that they had seen the petitioner and Vinod Yadav with the son of the informant, whose dead body was recovered after two days of the occurrence. Thereafter, the petitioner was apprehended and his confessional statement was recorded in paragraph-19 of the case diary in which he stated about carrying the son of the informant by him and Vinod at Haraha river where Buchan Yadav and Jai Prakash



Yadav were waiting but none was present there to kill the son of the informant. Thereafter, Buchan Yadav cut one hand of the son of the informant and threw the same in the river and also cut his neck through spade, which was of the petitioner and the same was kept in his house. Thereafter, on the basis of the confessional statement of the petitioner the spade was recovered from his house and the seizure list was prepared, which is detailed in paragraph-26 of the case diary. Further submission is that, in fact, the petitioner has falsely been implicated in this case due to enmity and the petitioner is in custody since 20.07.2015.

The F.S.L. report of the seized spade, as called for, has been received from which it appears that the seized spade was rusted and no blood could be detected in the spade.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-I, Bagaha, District-West Champaran, in connection with Semra P.S. Case No.35 of 2015.

(Rajendra Kumar Mishra, J)

P.S./-

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