

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6914 of 2017

Arising Out of PS.Case No. -1619 Year- 2013 Thana -DARBHANGA COMPLAINT CASE
District- DARBHANGA

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Ram Binay Yadav

.... Petitioner

Versus

1. The State of Bihar.
2. Lukhiya Devi.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Shambhu Nath Jha, Advocate.

For the State : Mr. Shyam Bihari Singh, A.P.P. 173.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-02-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection with C.R. No. 1619 of 2013, Tr. No. 706 of 2014, arising out of Bahadurpur P.S. Case No. 61 of 2012 for the offences instituted under Sections 302, 201 and 120(B)/34 of the IPC.

The prosecution story, in brief, is that the husband of the complainant was ill mentally and due to this, accused persons brought her husband for treatment and they got executed Kewala of a property of her husband and thereafter her husband became traceless. It is also alleged that prior to this case, she also filed a case before the C.J.M. Darbhanga for wrong execution of Kewala from her husband. It is further alleged that on 27.02.2012 accused



were traceless from the village and it was rumour in the village that accused with the help of this petitioner and others murdered her husband and cremated his dead body in hurry without giving information to the complainant.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. Relating to the present occurrence, earlier FIR was instituted. After investigation, the police submitted final form in the said case, which was accepted by the court below. Thereafter the case proceeded on the basis of protest petition treating it to be a complaint. No specific allegation has been made against the petitioner in the protest petition.

On behalf of the State, it has been submitted that the petitioner is named in the protest-cum-complaint.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with C.R. No. 1619 of 2013, Tr. No. 706 of 2014, arising out of Bahadurpur P.S. Case No. 61/2012 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned C.J.M., Darbhanga, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

