

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22267 of 2017

Arising Out of PS.Case No. -226 Year- 2016 Thana -DELHA District- GAYA

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Naresh Yadav son of Late Rajendra Yadav Resident of Mohalla - Paraiya
Road, Delha, Police Station - Delha, District - Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 17-05-2017 Heard both sides.

The petitioner seeks bail in Delha P.S. Case No. 226/2016, registered for the offences punishable under Section 302 of the Indian Penal Code and section 27 of the Arms Act.

The informant mother of the deceased alleged that while she was in her school her son telephoned her and disclosed that he was not feeling well. The informant came to his house at 3.30 p.m. and found the dead-body of her son lying on the bed. The informant with the help of the petitioner and others brought her son to the hospital where he was declared dead.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. The petitioner helped the informant to bring her son to the hospital, but during the course of



investigation a new story developed that the petitioner has got illicit relation with the informant since long, but the Investigating Officer has not collected any evidence.

Learned counsel appearing on behalf of the cousin of the deceased however vehemently opposed the prayer for bail of the petitioner and read out paragraph 41, 42, 43, 49, 60, 61 and other paragraphs of the case diary, but could not be able to point out any evidence regarding involvement of the petitioner in killing of the deceased. Save and except suspicion that too on the basis that the petitioner is said to have illicit relation with the mother of the deceased. There is no other material against the petitioner. Even the arms which is said to have been recovered from the Almirah of the informant has not been examined by the police or by the Forensic Science Laboratory. Another arm is said to have recovered by the side of the dead-body, but neither scientific investigation was done nor any material is collected.

Considering the facts aforesaid, the petitioner above-named, 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 Chief Judicial Magistrate, Gaya in connection with Delha P.S. Case No. 226/2016.

(Prabhat Kumar Jha, J.)

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