

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39951 of 2017

Arising Out of PS.Case No. -40 Year- 2014 Thana -BHAGALPUR GRP CASE District-
BHAGALPUR

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Pawan Yadav Son of Upendra Yadav resident of Village- Raghapur (Tikar),
P.S. Madhusudanpur, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey

For the Opposite Party/s : Mr. Sri Lalan Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Bhagalpur
G.R.P. Case No. 40 of 2014 for offences punishable under
Sections 302, 301/34 of the Indian Penal Code.

The prosecution case, as lodged by the Chowkidar, is
that a dead body was found in a plastic bag thrown in a drain
adjacent to railway track and on the dead body circular black
ligature mark was present around the neck. During course of
investigation the mother of the deceased Sabita Devi had
identified the dead body as her son Raj Kumar Yadav who had
gone along with Kare Lal Yadav and younger brother of the



deceased, Salaj Kumar has stated that the petitioner was seen in the company of Kare Lal Yadav, Sanjay Singh, Dileep Sah, Pawan Yadav and Ankit Kumar Singh.

It has been submitted by the learned counsel for the petitioner that except suspicion there is no other allegation against him and it is only on the basis of confessional statement of co-accused Sanjey Singh that his name surfaced. He submits that co-accused Sanjay Singh has been granted the privilege of bail by this Court in Cr. Misc. No. 19242 of 2015 on 23.06.2015 and other co-accused Ankit Kumar Singh has also been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 24753 of 2015 on 16.07.2015 on similar allegations. He submits that charges have already been framed and trial is going on and he undertakes to cooperate in the trial.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean criminal antecedent and as many as three cases are pending against him.

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



Vth Additional District & Sessions Judge, Bhagalpur in connection with Sessions Trial No. 322 of 2016/323 of 2016 arising out of Bhagalpur G.R.P. Case No. 40 of 2014, 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 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)

Devendra/-

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