

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50977 of 2017

Arising Out of PS. Case No.-58 Year-2017 Thana- BALIA District- Begusarai

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1. Sushil Yadav , S/o Kapo Yadav @ Kapildeo Yadav,
 2. Kapo Yadav @ Kapildeo Yadav S/o Late Harihar Yadav, Both R/o Village- Bhagatpur, P.S.- Ballia, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. SRI SHYAM BIHARI SINGH

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL

ORAL ORDER

2 09-11-2017 Heard both sides.

The petitioners are the son and father respectively. They seek bail in connection with Ballia P.S. case no. 58 of 2017 registered for the offence punishable under Sections 302, 201/34 of the IPC.

Both of them had taken the mother of the informant to the nearby field whereafter she did not return. Following day, the dead body was found. She was done to death by strangulation.

Learned counsel submits that there is no eye witness to the incident. Petitioner no.2 is aged about 75 years and is ailing.

Learned counsel for the State, on the other hand, submits that it was the petitioners who had taken the victim whereafter only the dead body was recovered. Death was homicidal.



Considering the age of the petitioner no.2, namely Kapo Yadav @ Kapildeo Yadav, this Court is inclined to direct his release on bail. Let petitioner no.2, be released 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 CJM Begusarai, in connection with Ballia P.S. case no. 58 of 2017, subject to the condition that one of the bailors of the petitioner shall be his own/close family member.

So far as the petitioner no.1, namely Sushil Yadav is concerned, his prayer for bail is rejected.

(Kishore Kumar Mandal, J)

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