IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32273 of 2017

Arising Out of PS.Case No. -12 Year- 2017 Thana -KANGALI District- WESTCHAMPARAN(BETTIAH)

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Radha Yadav @ Radhe Yadav son of Yamuna Ahir Resident of Village - Kathiya Mathiya, Police Station -Kangali, District - West Champaran.

.... Petitioner/s

Versus

The State of Bihar. .... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sanjay Kumar No.-7, Advocate
For the Opposite Party/s : Mr. Sri Umeshnand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

2 **13-07-2017** Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is apprehending his arrest in connection with Kangali P.S. Case No. 12 of 2017 registered for the offences punishable under Sections 302,120B/34 of the Indian Penal Code and 27 of the Arms Act.

Counsel for the petitioner submits that the allegation made in the FIR is against other five co-accused. He further submits that the informant is not an eye-witness of the occurrence and the case has been lodged by the informant at the instance of one Suryamukhi Devi. He also submits that he has been implicated in this case due to dirty politics of the village. From perusal of the FIR it would be apparent that the only allegation against him is that when after committing murder the other five co-accused were fleeing away from the place of occurrence he was also seen fleeing away with them. As such no overt act has been alleged against him

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in the FIR. In fact he is a villager and works in the agriculture field in the village.

In the facts and circumstances of the case, in the event of his arrest or surrender within four weeks from today, the petitioner above named shall be released on bail on furnishing bonds of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Bettiah, West Champaran in Kangali P.S. Case No. 12 of 2017 subject to all conditions as laid down in Section 438 (2) of Criminal Procedure Code.

(Madhuresh Prasad, J)

Prakash/-

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