

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39912 of 2017

Arising Out of PS.Case No. -23 Year- 2017 Thana -NARPATGANJ District- ARRARIA

=====

Rahul Yadav @ Rahul Kumar Yadav @ Rahul Kumar Son of Pradeep
Kumar Yadav @ Pradeep Yadav Resident of Village-Pothiya, P.S. Simraha.
District-Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Karuna Kant Jha, Advocate
For the Opposite Party/s : Mr. Ahmad Ali, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-10-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
01.02.2017 in connection with Narpatganj P.S. Case No. 23 of
2017 registered for the offence punishable under Sections 302 and
120(B)/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that she and her husband, Arvind Yadav (the deceased) had gone
to the market for buying vegetables. While the informant's
husband was having tea near the rice mill, she saw that co-accused
Suraj Yadav alias Tuntun Yadav and Ranjit Yadav fired on her
husband. She alleged that on the behest of the mother of Suraj
Yadav, namely, Chano Devi and his sister Neera Devi, co-accused



persons have killed her husband along with two other unknown persons.

It has been submitted by the learned counsel for the petitioner that he is innocent and not named in the First Information Report. His name surfaced only on the basis of his confessional statement before the police and after recovery of alleged arms used in the killing, he had been forced to sign on a plain paper, which was converted into confessional statement and due to high handedness of the police, the said arms was implanted in his house. He submits that the informant is an eye-witness to the alleged occurrence and she has not named the petitioner for having committed the alleged offence. He submits that another co-accused, Neera Devi, who has been named in the First Information Report, has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 17591 of 2017 on 28.04.2017. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner and just because he is an accused in three cases earlier, he has been made accused in the present case.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner does not have a



clean antecedent and as many as three cases are pending against him, although under different sections of the Indian Penal Code.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Narpatganj P.S. Case No. 23 of 2017, subject to the following conditions:

- (1) Both the bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner
- (2) The petitioner will appear before the learned Court below during trial on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

Arjun/-

U		T	
---	--	---	--

