

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50951 of 2017

Arising Out of PS.Case No. -439 Year- 2017 Thana -BANKA District- BANKA

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1. Jitendra Yadav, S/o Jagdish Yadav @ Jagdish Prasad Yadav, R/o Majhishpur P.S.- Banka, District- Banka.
2. Anandi Yadav, S/o Bhudev Yadav, R/o Majhishpur P.S.- Banka, District- Banka.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suman Kumar
For the Opposite Party/s : Mr. Shailendra Kumar -1

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 20-12-2017 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek bail in connection with Banka P.S. Case No. 439 of 2017 initially registered under Sections 363, 365 of the Indian Penal Code and subsequently added with Section 302 of the I.P.C.

The son of the informant namely, Akash Kumar aged about 13 years was allegedly taken by his two friends namely, Roshan Kumar and Chhotu Kumar and was eliminated in association of other accused persons and his dead body was dumped in the Chandan river.

It is submitted by learned counsel for the petitioners that the petitioners are not named in the F.I.R. There is no eye witness of the occurrence. The petitioners have been falsely implicated in this case merely on suspicion as they have allegedly



extended threatening of dire consequences to the informant on not compromising the Banka P.S. Case no. 14 of 2010 but the petitioners are not named in the aforesaid case. Moreover, the police has submitted final form in the said case. Thereafter, the informant has filed protest petition in the same naming the petitioners also in the said occurrence. The allegation levelled against the petitioners is not specific rather omnibus. The petitioners have been languishing in custody since 11.08.2017 and 13.08.2017 respectively. There is no cogent material in the case diary indicating the complicity of the petitioners in the occurrence. Similarly situated co-accused namely, Jagdish Yadav and Bibhishan Yadav have been enlarged on bail by different co-ordinate Bench of this Court vide order dated 13.10.2017 passed in Cr. Misc. no. 44700 of 2017 and order dated 16.11.2017 passed in Cr. Misc. no. 48041 of 2017.

In the facts and circumstances of the case, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 439 of 2017.

(Prakash Chandra Jaiswal, J)

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