

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18910 of 2017

Arising Out of PS.Case No. -67 Year- 2015 Thana -BASNAHI District- SAHARSA

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Prem Lal Yadav @ Alok Yadav, Son of Mallar Yadav, Resident of
Village- Ballaitha Purvi, Police Station- Basnahi, District- Saharsa.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh

For the Opposite Party/s : Mr. Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 21-06-2017

Heard learned counsel for the petitioner.

This is an application for bail in connection with
Basnahi P.S.Case No. 67 of 2015 registered for the offences
punishable under Sections 364/34 of the Indian Penal Code.

Allegation as per FIR against the petitioner is that he
along with three other accused persons had taken the deceased and
thereafter he was traceless and he was killed subsequently.

It has been submitted on behalf of the petitioner that
earlier to filing of the present case the deceased has brought one
Biram Devi, wife of Ashok Mandal, to his house and they were
living together and due to that Ashok Mandal was aggrieved and
not the petitioner. It has also been submitted that earlier petitioner
has filed an application against the informant in 2008 and because



of that petitioner has been implicated in this case and except suspicion there is nothing against the petitioner on the record and he is in custody for three months. It has further been submitted that other co-accused have been granted bail by this Court in Cr.Misc.No. 58016 of 2015 and in Cr.Misc.No. 3438 of 2016, vide orders dated 4.1.2016 & 4.2.2016 respectively.

Heard learned APP also.

Having heard both sides and considering the aforesaid facts and circumstances and also considering the fact that there is only suspicion against the petitioner and there is no motive against the petitioner, let the petitioner, named above, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-IV, Saharsa, in connection with Basnahi P.S.Case No. 67 of 2015, subject to the conditions that :-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable properties within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of



trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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