

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28906 of 2018

Arising Out of PS.Case No. -121 Year- 2017 Thana -MURLIGANJ District- MADHEPURA

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Radhakant Yadav S/o Kamleshwari Yadav, R/o Vill.- Tamout Parsa, P.S.-
Murliganj, District- Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Singh

For the Opposite Party/s : Mr. Sri Asharaf Ansari

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 20-06-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier moved for bail which was
rejected vide order dated 02.11.2017 passed in Cr. Misc. No.
39933 of 2017.

Petitioner is languishing in judicial custody since
08.05.2017 in connection with Murliganj P.S. Case No. 121 of
2017 for offences punishable under Sections 302, 201/34 of the
Indian Penal Code.

The prosecution case, as lodged by the Choukidar, is
that a dead body of unknown person was found in a maize field



and his hands, legs and neck were tied up.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and not named in the F.I.R. He submits that there is no eye witness to the alleged occurrence and his confessional statement before the police has no evidentiary value in the eye of law. He submits that the said deceased Rahul Kumar who is alleged to have been killed by the petitioner along with his son Mithilesh Kumar and one Parvej Alam who called the deceased surreptitiously in the maize field and with the help of other co-accused killed him have been granted bail by co-ordinate Benches of this Court in Cr. Misc. No. 54375 of 2017 dated 29.01.2018 and Cr. Misc. No. 9424 of 2018 dated 17.02.2018.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Murliganj P.S. Case No. 121 of 2017, subject to the conditions



that:

- (1)

One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2)

Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

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