

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4087 of 2018

Arising Out of PS.Case No. -71 Year- 2017 Thana -WAINA District- NALANDA
(BIHARSHARIFF)

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Lal Das Yadav S/o Late Bulaki Yadav, R/o Village- Mari, P.S.- Ben,
District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Ranjan Sinha

For the Opposite Party/s : Mr. Sri Bharat Bhushan

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
25.08.2017 in connection with Ben P.S. Case No. 71 of 2017 for
offences punishable under Sections 364/34 of the Indian Penal
Code.

The prosecution case, as lodged by the informant, is
that her son Chandan Kumar was taken away by the petitioner and
four others but he did not return, even after search he was
traceless.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and has



been falsely implicated in the aforesaid case only on account of previous enmity. He submits that the allegations are general and omnibus, the petitioner is 65 years of age and is languishing in judicial custody since nearly six months. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. .

However, learned APP for the State opposes the prayer for bail stating therein that the victim was last seen with the petitioner and others and thereafter he has become traceless although some of the witnesses have stated that they have already cremated the dead body.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Ben P.S. Case No.71 of 2017 pending in the court of learned Chief Judicial Magistrate, Nalanda at Biharsharif.

The application is, accordingly, rejected.

(Nilu Agrawal, J)

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