

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67163 of 2018

Arising Out of PS. Case No.-59 Year-2018 Thana- BASANHI District- Saharsa

Tuntun Yadav, S/o Late Jagarnath Yadav, Resident of Village- Mokma Tola
Suthania, P.S.- Basnahi, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Sri Madan Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 18-12-2018 The petitioner seeks regular bail in connection with Basnahi P.S. Case No. 59 of 2018, registered for offences punishable under Sections 341, 323, 324, 307, 302 and 504/34 of the Indian Penal Code.

Allegation as per F.I.R. is that brother of the informant had love affair with one Komal Kumari and on the date of occurrence, said Komal Kumari called brother of the informant on the pretext of marriage, on which, brother of the informant along with his four-five friends went Nanihal of the said girl, where, family members of the girl assaulted the brother of informant and specific allegation against the petitioner is that he assaulted the brother of informant by means of *dabiya* causing his death.

It has been submitted on behalf of the petitioner that the First Information Report, itself shows that the informant is not



the eye witness of the occurrence and he himself has stated that the deceased had gone to the Nanihal of the girl with four to five friends but none of those boys has been examined by police. As a matter of fact, the deceased along with others had come to kidnap the Komal Kumari, in which, some altercation took place between the deceased and the family members of the girl, in which, the deceased lost his life. There is no eye witness of the occurrence. Further submission is that petitioner has no criminal antecedent and has been in judicial custody since 07.06.2018 and charge-sheet has been submitted.

Heard learned A.P.P. also.

Having heard both sides, in view of the above facts, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -III, Saharsa, in connection with Basnahi P.S. Case No. 59 of 2018, subject to the condition that petitioner will cooperate in disposal of trial and make himself available as and when required by the court below, failing which, the prosecution shall move for cancellation of his bail bonds.

sunilkumar/-

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

(Vinod Kumar Sinha, J)

