

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67874 of 2018

Arising Out of PS. Case No.-231 Year-2017 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Amarjet Yadav @ Babloo Yadav @ Amarjeet Yadav @ Amar Jet Yadav @
Amar Jeet Yadav, Son of Upendar Yadav @ Upendra Yadav, resident of
Village- Madhuban (Madhuvan), P.S.- Kusheshwar Asthan, District-
Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13, Advocate
Mr. Rohit Kumar, Advocate

For the Opposite Party/s : Mr. Sri Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 302 and
201/34 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Nilam
Devi recorded by S.I. Rashid Perwez on 25.11.2017 at 9.15 AM,
at Madheban village is to the effect that the son of the
informant, Nitish Kumar went to sleep after taking dinner on
24.11.2017 and in the morning, a rumor floated that a dead body
of a male is lying in the wheat field, whereupon the informant
went there where she found that her son was lying dead.



Suspicion was raised against co-accused Om Prakash Yadav, with whose daughter Neha Kumari, son of the informant had love affair. It is further alleged that co-accused Ram Babu Sharma and Sunil Yadav used to take the son of the informant with them. In the aforesaid accusation the FIR was lodged against Om Prakash Yadav. The name of the petitioner sprang up in the confession of co-accused Ram Babu Sharma, who alleged that Babloo Yadav and two others contacted victim and they called him and thereafter BablooYadav strangled and Sunil Yadav assaulted him with knife.

It is submitted by learned counsel for the petitioner that only due to the enmity and political rivalry with co-accused Om Prakash Yadav and others, the petitioner has been roped in the present case. Even as per the accusation the petitioner is not the assailant. It is further submitted that Om Prakash Yadav, against whom the FIR has been lodged, has been granted regular bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 16086 of 2018. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the name of the petitioner sprang up in the confessional statement of the co-accused.

Considering the suspicious nature of accusation



coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Biraul in connection with Kusheshwar Asthan P.S. Case No. 231 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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