

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36978 of 2018

Arising Out of PS. Case No.-52 Year-2017 Thana- ATRI District- Gaya

Tapeshwar Yadav, Son of Hajari Yadav, Resident of Village- Cahel Murera,
P.S.- Atri, District- Gaya ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Anjani Kumar Jha, Adv.

For the Opposite Party : Mr. Dr. Kumar Uday Pratap, APP 238

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 29-08-2018 Learned counsel for the petitioner has prayed for and is permitted to make necessary correction in the prayer portion of the application regarding the sessions trial number as the charges have already been framed and also the Court where the trial has begun.

Heard the learned counsel for the petitioner and the learned counsel appearing for the State.

Petitioner had earlier moved for bail which which was rejected vide order, dated 06.11.2017, passed in Cr. Misc. No. 42275 of 2017. The petitioner is languishing in judicial custody since 10.07.2017 in connection with S. Tr. No. 34 of 2018 arising out of Atri P.S. Case No. 52 of 2017 for offence punishable under Sections 302, 201 and 120B of the Indian Penal Code.

The prosecution case, as lodged by the local



Chowkidar, is that on information that one Mamta Kumari has been killed by her father and her dead body is being cremated, he went to the place of cremation and found that the dead body of Mamta Kumari and saw the petitioner, who is father of the deceased Mamta Kumari, along with family members and 10-12 other persons were present on the cremation ground, but, on seeing the informant they fled away.

It has been submitted by the learned counsel for the petitioner that he is innocent bears no criminal history and there is no eye witness to the alleged occurrence. In fact, said Mamta Kumari is the daughter of the petitioner and for being scolded for some trivial incident she herself committed suicide. He submits that the charges have been framed on 02.07.2018 and the trial has not yet progressed as none of the prosecution witnesses have yet been examined, as per the report of the Additional District & Sessions Judge, IX, Gaya, dated 08.08.2018, which was called for by the Court on an earlier occasion.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

However, considering the facts and circumstances and the materials on record, let the petitioner, above named be



released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with S. Tr. No. 34 of 2018 arising out of Atri P.S. Case No. 52 of 2017 to the satisfaction of the Additional District & Sessions Judge, IX, Gaya, subject to the following conditions :

(i) 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.

(ii) 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)

Shamshad/-

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