

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51564 of 2018

Arising Out of PS.Case No. -74 Year- 2017 Thana -HAYAGHAT District- DARBHANGA

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SIKANDAR YADAV @ BABAJEEYA YADAV @ BABAJEEYA @
BABUJEEYA, S/o Ram Naresh Yadav @ Ram Naresh Ray, Residence of
Mohalla/Vill - Dorsur, P.S. Warisnagar, Dist - Samastipur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Kedar Jha, Advocate.

For the Opposite Party : Mr. Ram Priya Saran Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-09-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
28.05.2018 in a case for the offence registered under Sections 302
and 201/34 of the IPC.

The prosecution story, in brief, is that on 03.12.2017
in the night after taking meal, the informant alongwith her
husband was sleeping. All of a sudden at about 10.00 P.M. her
husband Lalit Sada came out in order to perform natural call but
he did not return till late night, then she slept. In the morning,
when the informant enquired about her husband, she came to
know that one dead body is lying in a orchard of *Ghoshrama*



village, then she alongwith her villagers went there and found the dead body of her husband. The informant has alleged that the petitioner alongwith other accused persons have committed murder of her husband because prior to alleged occurrence, co-accused Dipu Kunwar alias Bhima Singh told her husband to work in his field but her husband refused to do so for non-payment of wages and due to which an altercation had been taken place in between her husband and Dipu Kunwar and petitioner and they threatened him with dire consequences. She further alleged that there is also hand of one Bhulla Mahto in murder of her husband.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The informant is not an eye witness to the alleged occurrence. Except for suspicion, there is no other substantive evidence to suggest the implication of the petitioner in the present case. In course of investigation, from possession of co-accused Dipu Kunwar, blood stained clothes of the deceased is alleged to have been recovered.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.



Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV, Darbhanga, in connection with Hayaghat P.S. Case No. 74 of 2017.

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(Sudhir Singh, J)

