

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46545 of 2018

Arising Out of PS. Case No.-62 Year-2017 Thana- KHAJANCHI HAT District- Purnia

Ramesh Yadav S/o Feku Yadav, R/o Vill.- Nabaganj, P.S.- Fulkaha, District-
Araria ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Arun, Adv.

For the Opposite Party : Mr. Bhanu Pratap Singh, APP XIV

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 29-08-2018 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 02.08.2017, passed in Cr. Misc. No. 28397 of 2017. The petitioner is languishing in judicial custody since 12.02.2017 in connection with S. Tr. No. 243 of 2017 arising out of K. Hat (Madhubani) P.S. Case No. 62 of 2017 for offence alleged under Sections 364, 379 and 302 of the Indian Penal Code.

The prosecution case as lodged by the informant is that being a car owner of vehicle bearing registration no. BR-11Q-3674, the deceased, Bablu Kumar Goswami, was appointed as driver of the car 3-4 months back. It is alleged that the said Bablu Kumar Goswami had gone with the car and did not return, later on his dead body was found. It has been submitted by the learned counsel for the petitioner that he is innocent,



there is no criminal antecedent and is not named in the first information report. His name surfaced subsequently on the basis of confessional statement of co-accused, Md. Ekram, made before the police, which has no evidentiary value in the eye of law. He, further, submits that the confessional statement of other co-accused as well as the petitioner also has no evidentiary value in the eye of law as it has been taken under coercion by the police.

A report was called from the Court of learned Additional District & Sessions Judge, V, Purnea, who has stated that the charges have been framed on 08.08.2018, out of five witnesses only two have been examined and for the rest summons and process have been issued. It was also requested for four months time to conclude the trial.

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

Considering the facts and circumstances and the materials on record as well as the period of custody, 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. 243 of 2017 arising out of K. Hat (Madhubani) P.S. Case No. 62 of 2017 to



the satisfaction of the Additional Sessions Judge, V, Purnea,
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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