

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7087 of 2019

Arising Out of PS. Case No.-876 Year-2018 Thana- MADHEPURA District- Madhepura

JAI PRAKASH SAH @ JAI PRAKASH KUMAR @ JAI PRAKASH
KUMAR SAH son of Shyam Sundar Sah Resident of village-Chakla
Sukhasan, Ward No.11, P.S. and District-Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra

For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-02-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 9.11.2018 in
a case registered for the offences punishable under Sections
363,365, 120B/34, 302 and 201 of the I.P.C.

The prosecution case as per the written report of Asha Devi
dated 24.10.2018 submitted to the SHO, Parmanandpur is to the
effect that the husband of the informant, namely, Naveen Kumar
used to give tuition to the daughter of Naresh Yadav, namely,
Baby Devi and there was dues of Rs.5000/- as tuition fee and
subsequently, on the occasion of marriage of aforesaid Baby
Devi, the husband of the informant gave Rs.50000/- to the wife
of Naresh Yadav, namely, Yashoda Devi. It is further alleged that
on several reminders for the due amount, the accused persons



were not returning the money. On 22.10.2018 at 5.00 P.M., the son-in-law of Naresh Yadav, namely, co-accused Sudhir Yadav came and took the husband of the informant. On contact being made at 7 P.M., the husband of the informant conveyed her that he is in Madhepura but thereafter, the husband of the informant did not come. Thereafter, when the informant went to the house of Naresh Yadav and inquired from co-accused Sudhir Yadav the she was being abused but subsequently, from the villagers, the informant came to know that five FIR named accused persons have kidnapped the victim. The petitioner is not named in the FIR but his name sprang up during investigation on the information supplied by the spy and some of the villagers stated that the petitioner, in conspiracy with co-accused Sudhir Yadav, got the husband of the informant killed.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR and the impugned order suggests that for the first time, the name of the petitioner sprang up on recovery of headless dead body of the informant's husband when some of the villagers secretly informed the investigating agency that the petitioner and co-accused Sudhir Yadav committed murder of the informant's husband whereas some of the witnesses suggested that the petitioner, in



conspiracy with co-accused Sudhir Yadav, killed the victim. Moreover, the mobile phone call detail report suggests conversation of co-accused Sudhir Yadav with the victim and not that of the petitioner.

Learned APP submits that name of the petitioner sprang up during investigation.

Considering the fact that the petitioner is in custody since and the period in custody since 9.11.2018 on the basis of circumstantial nature of evidence and statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Madhepura in connection with Madhepura P.S. Case No. 876 of 2018.

(Dinesh Kumar Singh, J)

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