

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8539 of 2019**

Arising Out of PS. Case No.-574 Year-2017 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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MAHESHWAR YADAV, Son of Ram Sharan Yadav, Resident of village –
Matihani, P.S. Matihani, District Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER**

7 10-06-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 364, 302 and 120B/34 of the
Indian Penal Code.

The FIR named accused persons allegedly took Sumit
Kumar and later on, committed his murder. Sumit Kumar was
recently released from jail after being acquitted in a criminal
trial of a murder. The petitioner is not named in the FIR. During
investigation, after more than a year, it revealed that the
petitioner and Raju Jha gave Supari to Himanshu Kumar and
Bikram Chaudhary to commit murder of the deceased. In the
confessional statement of Raju Jha, name of the petitioner has
surfaced. Himansu Kumar @ Nitin Bharti has already been



allowed bail by a Coordinate Bench of this Court vide order dated 20.09.2018 passed in Cr. Misc. No. 49702 of 2018 (Annexure 4 series at page 46 of the bail petition).

Learned counsel for the informant opposed the prayer for bail on the ground that the FIR would reveal that the petitioner had supplied information to the informant that he had seen the deceased along with the named accused persons.

However, during investigation, it revealed on the basis of mobile location, that the petitioner was not near the place of occurrence at the time and on the date claimed by the petitioner. Therefore, the petitioner was under suspicion of the police and subsequently further material came against the petitioner that he had paid Rs.4,00,000/- (rupees four lacs) to the shooter of the deceased after withdrawing the money from the bank on 03.02.2018. The payment was made at the tea stall. The petitioner had remote motive commit the murder due to differences between the father and uncle of the deceased. Petitioner is in custody since 13.01.2019. He further submits that some of the witnesses have filed affidavit before the court below that the petitioner is threatening them not to depose during the trial, failing which the petitioner would commit murder.



Considering the entire facts of this case and nature of material against the petitioner, let the petitioner, above named, be released on bail **only after framing of the charges against the petitioner** on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Begusarai Muffasil Police Station Case No. 574 of 2017. The petitioner is directed to fully cooperate with the trial of the case, failing which the learned court below shall be at liberty to cancel the bail bond of the petitioner. The trial court may provide police protection to the witnesses who are under threat of the petitioner and may pass necessary order which would be deemed fit in the facts and circumstances of the case.

(Birendra Kumar, J)

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