

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78793 of 2018

Arising Out of PS. Case No.-119 Year-2018 Thana- SALAKHUA District- Saharsa

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1. Ranvir Yadav and Anr Son of Late Bilash Yadav, Resident of Village- Bhatha P.S.- Salkhua and District- Saharsa.
 2. Vijay Bhadhai, Son of Natho Bhadhai, Resident of Village- Afjalpur, P.S.- Salkhua, District- Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh

For the Opposite Party/s : Mr.Sri Mithilesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

5 14-02-2019 Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners, who are in custody, seek bail in connection with Salkhua P.S. Case No. 119 of 2018 registered for the offence punishable under Sections 364, 365, 34 of the Indian Penal Code and Section 302 of IPC.

Informant has alleged that on 26.05.2018 at 10.00 AM his brother had gone to village Hansari alongwith Raj Kishore Yadav and thereafter went in the house of Suraj Panjiyar for Panchayati where his brother talked with him and his wife. After that no contact was established with his brother and even after much search his brother could not be located, then he saw the motorcycle of his brother was kept near the



house of Vijay Singh and he disclosed mobile number of his brother and thereafter lodged the present FIR.

It has been submitted on behalf of the petitioners that Petitioners are not named in the FIR. They are innocent and have been falsely implicated in this case only on the basis of suspicion. There is serious contradiction in the FIR and re-statement made by the informant, it was stated in the FIR that the motorcycle of his brother was found near the house of Vijay Singh but in his re-statement has stated that motorcycle of his brother was found at the back side of house of Bijendra Mehta. It has come during investigation that his brother was having illicit relationship with one Ranju Devi and he was in her house on the date of occurrence. Similarly placed co-accused, namely Kundan Yadav @ Kundan Kumar Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 06.11.2018 passed in Cr. Misc. No. 66243 of 2018. Petitioners are in custody since 05.07.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Saharsa, in connection with Salkhua P.S.



Case No. 119 of 2018 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and their absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel their bail bonds.

(3) If the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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