

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24659 of 2019

Arising Out of PS. Case No.-49 Year-2019 Thana- AKBARPUR District- Nawada

1. Ishwari Yadav, (Male aged about 65 years), Son of Late Ram Balak Yadav, Resident of Village - Bandhan Chhapra, P.S.- Rajauli, Dist.- Nawada.
2. Bablu Yadav, (Male aged about 33 years), Son of Ishwari Yadav, Resident of Village - Bandhan Chhapra, P.S.- Rajauli, Dist.- Nawada.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner no. 2	:	Mr.Birendra Kumar, Advocate.
For the State	:	Mr. Nityanand Tiwary, A.P.P.
For the Informant	:	Mr. Arun Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

5 23-08-2019 Vide order dated 18.04.2019, petitioner no. 1 Ishwari Yadav, has already been granted bail by another Co-ordinate Bench of this Court.

Heard learned counsel for the petitioner no. 2, learned counsel for the informant and learned A.P.P. for the State.

The petitioner no. 2 is languishing in custody since 17.02.2019 in a case for the offence registered under Sections 302 and 201/34 of the IPC.

The prosecution story, in brief, is that the marriage of the informant's sister Simpi Kumari was solemnized with Santosh Kumar in the year 2014. After marriage, his sister went to her *Sasural* for one time then she was used to torture by her



in-laws family then she came at the informant's house and started residing there. It is further alleged that the informant's brother-in-law Santosh Kumar does not want to keep his sister as she was *Sawambli* colour. His sister by talking on Mobile No. 9006110744 as 7.00 P.M. on 13.02.2019 went outside of the house. His mother also came out behind his sister and saw that Santosh Yadav alongwith his two friends Rahul Kumar, Subhash Kumar @ Bablu Yadav and his brother Bablu Yadav were talking with his sister. When his sister did not return to the house after lapse of lot of time then his mother went out side of house and saw that none was present there. Mobile of his sister was also found switched off. On call, his brother-in-law did not give correct answer and in course of search, he came to know that his brother-in-law fled away from his house and dead body of his sister was found in the *Badhar* of *Mane Bigha*.

It has been submitted by learned counsel for the petitioner no. 2 that he 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 him. He has falsely been implicated in the present case. He is the brother-in-law (Dewar) of the deceased. It is a case of last seen. Except for this, there is no other substantive evidence to suggest



the implication of the petitioner no. 2 in the present case. There is no eye witness to the alleged occurrence.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioner no. 2 is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner no. 2 (Bablu Yadav), 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.-Ist, Nawada, in connection with Akbarpur P.S. Case No. 49 of 2019.

(Sudhir Singh, J)

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