

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65519 of 2019

Arising Out of PS. Case No.-186 Year-2016 Thana- BIBHUTIPUR District- Samastipur

Pappu Yadav, Son of Bidan Yadav @ Bido Yadav, Resident of Village-Karakh
Badia, P.S-Bibhutipur, District-Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Saket Kumar, Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-12-2019 Heard learned counsel for the petitioner, learned
counsel representing the informant as also learned A.P.P. for the
State.

Petitioner in the present case is seeking regular bail in
connection with Bibhutipur P.S. Case No. 186 of 2016
registered for the offences punishable under Sections 302 and
201/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
FIR is against unknown. The son of the informant had gone
missing since 05.08.2016 and his dead body was found on
10.08.2016 near the bank of river hanging with a tree. The
informant expressed his suspicion saying that his son seems to
have been killed by unknown persons and his dead body was
hanged.



In course of investigation, the Investigating Officer has recorded the statement of independent witnesses. The witnesses have not taken name of this petitioner and some of the witnesses have rather stated that they had seen the deceased on 05.08.2016 with the three accused namely, Manoj Mahto, Ram Kailash Mahato and Arjun Yadav. The son of the informant was, therefore, not seen with this petitioner even by any of the witnesses. The informant in his restatement expressed suspicion saying that this petitioner was involved in sale of illicit liquor and perhaps the son of the informant had seen the liquor stored in a field from where the liquor had gone missing and, therefore, this petitioner had a suspicion that the son of the informant had taken away the illicit liquor. Save and except this allegation, no other material has come in the case diary to implicate this petitioner.

Learned counsel for the informant has while opposing the bail application also admitted to this effect that prior to this case the petitioner had no criminal antecedent and the two cases which have been lodged under the Bihar Excise Act against this petitioner are of the year 2018 and 2019 which are much after the alleged occurrence of the year 2016.

Considering the facts and circumstances of the case,



where the petitioner is in custody since 04.07.2019, in the case diary no witness has come forward to say that the deceased was seen with this petitioner on the alleged date and the name of the persons with whom he was seen has been specifically disclosed by those witnesses, the investigation against the petitioner is complete, charge-sheet filed and there being no submission that the release of this petitioner on bail is likely to influence the course of trial either by tampering with evidence or influencing the witnesses, let the petitioner above named be released on bail in connection with Bibhutipur P.S. Case No. 186 of 2016 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned J.M.1st Rossera, Samastipur, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from



disclosing such facts to the Court or to any police officer or
tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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