

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30306 of 2020

Arising Out of PS. Case No.-44 Year-2015 Thana- JAGDISHPUR District- Bhagalpur

BINDESHWARI YADAV S/o Late Lalit Yadav Resident of Village-Derma,
Police Station-Basant Rai, District-Godda (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Pawan Kumar Chaurasiya

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-12-2020 Due to COVID-19 Pandemic, the matter is being taken
up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’
under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove
the defects, as pointed out by the office, within a period of four
weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 302, 201, 120(B), 147, 148 and 149 of the
Indian Penal Code.

The prosecution case, in short, is that the accused
persons forcibly took away the husband of the informant and later on
dead body of the husband of the informant was recovered.



It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in this case. As per the F.I.R., at best it is a case of last seen. From perusal of the F.I.R. itself, it appears that Section 365 of I.P.C. is not attributed in the F.I.R. Hence it cannot be said that the abduction was made of the deceased prior to commission of the murder of the deceased.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Jagdishpur (Goradih) P.S. case No.44 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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