

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29299 of 2020

Arising Out of PS. Case No.-190 Year-2019 Thana- SHANKARPUR District- Madhepura

KAPIL YADAV Son of Baleshwar Yadav @ Baleshwar Prasad Yadav
Resident of Village- Madheli ward no.13, P.S.- Shankarpur, District-
Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 20-01-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection
with Shankarpur P.S. Case No. 190/2019 registered for the
offences punishable under Sections 302/201/34 of the Indian
Penal Code.

As per the prosecution case, on 20.12.2019, while the
informant's son was watching construction of road standing at
his door, this petitioner along with others were also present there
and later on, son of the informant was found missing and could
not be traced on search. On 21.12.2019, he got information that
dead-body of his son is lying in the mango orchard of Dashrat
Yadav. The informant suspects that this petitioner along with
others accused persons have murdered his son by pressing his
neck.



It is submitted on behalf of the petitioner that on perusal of FIR, it appears that the only allegation against this petitioner is that he was present at the place where construction of road was going on. Petitioner has no role in the theft of motorcycle of Shailendra Yadav and neither had any quarrel prior to the incident. Save and except, suspicion there is nothing against the petitioner. It is further submitted that during the course of investigation, none of the independent witnesses have named this petitioner and the petitioner has clean antecedent as stated in paragraph No. 3 of the petition.

Considering the nature of allegation and no material has come during the course of investigation, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-I, Madhepura, in connection with Shankarpur P.S. Case No. 190/2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Prabhat Kumar Singh, J)

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