

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43198 of 2021**

Arising Out of PS. Case No.-71 Year-2021 Thana- JAYNAGAR District- Madhubani

JAGESHWAR YADAV S/O LATE SAMPATI YADAV R/O VILLAGE-
KHAIRMATH, P.S- JAINAGAR, DISTRICT-MADHUBANI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash

For the Opposite Party/s : Mr.Dilip Kumar No. 1

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 13-12-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of regular bail, arises out of Jainagar Police Station Case No. 71 of 2021, disclosing offences under Sections 364, 34 of the Indian Penal Code and later on Sections 302, 201 of the I.P.C. was added.

As per the prosecution case, this petitioner along with other co-accused person forcibly took away the husband of informant on four wheeler vehicle towards south. Informant suspects that they might have killed her husband.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case inasmuch the co-accused, Pradeep Yadav, has filed complaint case against the

husband of the informant in connection with Complaint Case No.448 of 2020. It is also submitted on behalf of the petitioner that prior to the alleged occurrence, son of Ghyanshyan Yadav died and co-accused Ghanshyam Yadav raised suspicion that his son was killed by the informant's husband and others due to this enmity is going in between the informant and co-accused Ghanshyam Yadav. Learned counsel for the petitioner submits that there is no eye witness and none of the witness who have been examined during the course of the investigation as claimed to have seen this petitioner killed the husband of the informant. At best it is a case of last seen. Learned counsel further submits that petitioner is in custody since 24.03.2021.

Learned counsel for the State assisted by counsel for the informant submits that during the course of investigation, all the eye witness were examined vide para 8, 9 and 10 wherein they have stated this petitioner along with accused persons were seen while taking away the deceased on the four wheeler.

Having regard to the submissions made by the parties and taking into consideration the materials on record and at best it is a case of last seen, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be

released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of C.J.M., Madhubani, in connection with Jainagar Police Station Case No. 71 of 2021.

(Prabhat Kumar Singh, J)

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