

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9708 of 2022

Arising Out of PS. Case No.-260 Year-2010 Thana- BANKA District- Banka

PRAMOD YADAV @ KAKKO YADAV Son of late Mithu Yadav Resident of
Village - Sabalpur, P.S.- Panjwara, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 19-12-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 201 and 34 of the Indian Penal Code.

As per the prosecution case, the daughter of the informant was tortured by the accused persons including the petitioner herein who happens to be the uncle-in-law of the deceased. Ultimately the informant's daughter was done to death and the dead body was made to disappear.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. He has no concern with the family affairs of the accused persons and has been falsely implicated in the case only for the reason that he happens to be the uncle of the husband of the deceased. He



is in custody since 6.9.2021 and the police on investigation found the case to be false as against him. Learned trial Court differing with the police report took cognizance in the matter and hence this application.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made as also the materials on record it transpires that on investigation the Investigating Officer found the petitioner to be innocent and he was not sent up for trial. However, the learned trial Court differing with the police report took cognizance also against the petitioner. In view of the fact of final form having been submitted against the petitioner, though not accepted by the learned trial Court and the petitioner being in custody for more than 1 year since 6.9.2021, the Court directs the petitioner to be enlarged on bail in connection with Banka (Panjwara) P.S. Case no. 260 of 2010 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka.

(Partha Sarthy, J)

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