

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65962 of 2018

Arising Out of PS. Case No.-421 Year-2017 Thana- JHAJHA District- Jamui

Manik Yadav @ Manikchand Yadav, son of Kanhai Yadav, resident of Village,
Barajor, P.S. Jhajha, District, Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kr. Mishra, Mr. Sourendra Pandey, Advocates
For the Opposite Party/s	:	Mr. S.M. Rahman, APP

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
ORAL ORDER

2 05-11-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in a case registered for offences punishable under Sections 323, 307/34 of the Indian Penal Code and later on Section 302 of the I.P.C. was also added.

It is urged on behalf of the petitioner that as per the allegation, the co-accused, namely, Dinesh Yadav and Sintu Yadav came to the house of the informant and took his son Pintu Kumar, aged 29 years, to market at about 3 p.m. Thereafter, he came to know that his son Pintu Kumar is lying unconscious at Nagi Dam. The informant and other four persons went on the spot and saw that Dinesh Yadav, Sintu Yadav and five unknown persons were present there. One person of his village



Manik Yadav was also present there who escaped on motorcycle. The son of the informant was brought for treatment to a Doctor who referred him to a government hospital for better treatment. Thereafter, son of the informant was brought to Patna for better treatment. The informant alleged that all the accused persons have assaulted his son and threw him after assault with the intention to kill him. It is further stated that cause of death shown in the post-mortem report is septicemia and infection resulting from the injuries received. It is further contended that so far as this petitioner is concerned, there was no allegation that he came to the house of the informant and took his son with him rather two accused persons have taken him from his house. It is also contended that except the petitioner was standing at the place of occurrence and fled away, there is no other material evidence collected during the course of investigation. Apart from above, it is further contended that the F.I.R. was lodged after about a month as date of occurrence is 27.11.2017 whereas F.I.R. was lodged on 28.12.2017 and the death was on 30.12.2017. It is lastly contended that the petitioner is having clean antecedent.

Having regard to the facts and circumstances of the case, let the abovenamed petitioner be released on bail in the



event of arrest/surrender before the court below within a period of six weeks from today in Jhajha P.S. Case No. 421/17, on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of S.D.J.M., Jamui subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, ACJ)

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