

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18397 of 2018

Arising Out of PS.Case No. -39 Year- 2013 Thana -SULTANGANJ District- BHAGALPUR

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1. Binod Yadav, S/o Late Rajendra Yadav, R/o Shiv Nandanpur P.S.
Sultanganj, Ditriect-Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gautam Kejriwal,
Mr. Atal Bihari Pandey

For the Opposite Party/s : Smt. Veena Kumari Jaiswal

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 26-04-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has been in custody since 20.11.2017
in connection with Sultanganj P.S. Case No. 39 of 2013 registered
for the offences punishable under Sections 328/302/34 of the
Indian Penal Code.

Learned counsel for the petitioner submits that only
on account of the fact that the petitioner is the person who had
called the deceased and subsequently, he was found in
unconscious state and, thereafter, he succumbed to death and the
petitioner has been implicated in connection with the present case.

Diary in the present case was called for which has
since been received.

Learned counsel for the State submits that as per the



Viscera report Aluminum Phosphate has been found in the viscera of the deceased Bittu Yadav, but does not know as to how and under what circumstances the said poison came to be taken by the deceased. There is no material to show that the petitioner was having any enmity with the parties. It is also pointed out that there is no eye-witness to the occurrence.

Considering the period of custody and that other similarly situated named accused persons have since been extended the privilege of regular bail by this Court in Cr. Misc. No. 23984 of 2016 and also Cr. Misc. No. 33982 of 2013, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur, in connection with Sultanganj P.S. Case No. 39 of 2013, subject to the following conditions:-

- (1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or their wife.
- (2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.
- (3) The petitioner shall remain physically present in court on each and every date during trial and in the event of



failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

- (4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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