

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3134 of 2019

Arising Out of PS. Case No.-198 Year-2016 Thana- KATEYA District- Gopalganj

Mrityunjay Yadav Raj Kishore Yadav @ Kishore Yadav Resident of Vilalge-
Amhi Banke, P.S.- Kateya, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey No.5

For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-01-2019 Heard the learned counsel for the petitioner and the
learned counsel for the State.

The petitioner seeks regular bail in connection with Kateya PS case no. 198 of 2016 registered for the offence punishable under Sections 302 and other sections of Indian Penal Code.

The accusation is that in the evening of 14.08.2016 at about 7 pm, seven FIR named accused persons including the petitioner assaulted Mukesh Ojha, the brother of the informant Pramod Ojha at canal in the village. Thereafter, when Mukesh Ojha, the brother of the informant, went to Soharia market for treatment, then they came at the clinic of Babloo Yadav and hatching conspiracy called Mukesh Ojha, the brother of the informant and ate meat in the night and thereafter,



they murdered him through knife and pressing his neck. It is further alleged that the petitioner and Shaukat Ansari had also their hands in committing the murder of his brother Mukesh Ojha.

The learned counsel for the petitioner submits that it would appear from the FIR that the informant is not an eye witness to the occurrence. During the course of investigation, the witnesses, as examined, have not claimed to see the occurrence and also denied to see the occurrence of *marpeet* rather they have stated that there was hot exchange of words between petitioner and Mukesh Ojha, the brother of the informant due to price of the fish as demanded by the seller of the fish. It is further submitted that the petitioner is languishing in custody since 21.09.2018. It is also stated that all the similarly situated co-accused persons have already been granted bail either by the trial court or by this Court vide orders dated 01.03.2017 passed in Cr. Misc. no. 1113 of 2017 and Cr. Misc. no. 4254 of 2017.

Having regard to the facts and circumstances of the case, I deem it fit and proper to enlarge the petitioner on regular bail.



Accordingly, the abovenamed petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate XV, Gopalganj in connection with Kateya PS case no. 198 of 2016.

(Mohit Kumar Shah, J)

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