

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.753 of 2019

Arising Out of PS. Case No.-45 Year-2018 Thana- DUMARIYA District- Gaya

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Jitan Yadav, aged about 62 yrs, Male, son of Late Chaman Yadav Resident of
Village- Adarchak, P.S.- Dumariya, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tabish Sharfuddin

For the Opposite Party/s : Ms. Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 06-02-2019 Heard learned counsel for the parties.

Petitioner seeks bail in Dumariya P.S. Case No. 45 of
2018 registered for the offence punishable under Sections 147,
148, 149, 302/34 of the Indian Penal Code.

Informant has alleged in his written complaint that on
17.09.2018 at about 7 p.m., F.I.R. named accused variously
armed with knife, *Barcha* and *Tangi* entered his house and on
protest being made by his wife, all of them assaulted her as a
result of which, she died.

It has been submitted on behalf of the petitioner that he
is innocent and has been falsely implicated in this case. It has
further been submitted that in the postmortem report as well as
inquest report, there is only one stab injury which has been said
to be cause of death. The allegations are general and



omnibus against all the F.I.R. named accused and there is no specific allegation against the petitioner of any overt act committed by him. Petitioner has got no criminal antecedent and is in custody since 18.09.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned J.M. 1 Class, Sherghati at Gaya in connection with Dumariya P.S. Case No. 45 of 2018, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Sanjay/-

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