

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35188 of 2019

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

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Dinesh Yadav, Son of Narendra Yadav @ Kolha Yadav, Resident of village-
Kusauna, P.S.- Jhajha, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prakash Mahto

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-05-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
16.04.2019 in a case registered for the offences punishable
under Sections 323 and 307/34 of the Indian Penal Code.
Subsequently, Section 302 of the IPC was also added.

The prosecution case as per the written report of Brij
Kumar Yadav submitted to the Station House Officer of Jhajha
Police Station is to the effect that on 27.11.2017 at 3.00 P.M. the
petitioner and one Sittu Yadav came to the house of the
informant and took his son to the market. At about 5.00 P.M. the
informant came to know that his son is lying near Dam in
unconscious condition, thereafter, the informant went there,
where he found the petitioner, Sittu Yadav and 5 unknown
persons and after seeing the informant they escaped from the



scene. It is alleged that the informant took his son to the local doctor, who referred him to Govt. Hospital and from there referred to PMCH. Subsequently, the son of the informant succumbed to the injury.

It is submitted by learned counsel for the petitioner that for the occurrence of 27.11.2017, the FIR was registered on 28.12.2017 and only on the basis of suspicion, the accusation has been levelled and the co-accused Situ Yadav has been granted anticipatory bail vide order dated 28.03.2019 passed in Cr. Misc. No. 76038 of 2018, whereas co-accused Manik Yadav has also been granted anticipatory bail vide order dated 05.11.2018 passed in Cr. Misc. No. 65962 of 2018 by Co-ordinate Benches of this Court. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the son of the informant went in the company of the petitioner and thereafter he was found in injured condition and subsequently, succumbed to the injury.

Considering the delayed lodging of the case, accusation is based on circumstantial evidence and similarly situated co-accused has been granted anticipatory bail, coupled with the statement made in paragraph 3 of the petition that the



petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Jamui in connection with Jhajha P.S. Case No. 421 of 2017.

(Dinesh Kumar Singh, J)

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