

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40843 of 2019

Arising Out of PS. Case No.-34 Year-2013 Thana- KHUTAUNA District- Madhubani

Shivdhari Yadav, aged about 60 years, Male, S/o Late Fudan Lal Yadav R/o
village- Ekdara, P.S.- Khutauna, District- Madhubani Petitioner/s
Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav
For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 27-09-2019 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 341, 323, 324, 307, 326, 504/34 of the Indian Penal Code and later on Section 302 of the IPC was also added.

Informant Janakdhary Yadav in his fardebyan which has been recorded on 26.05.2013 in DMCH has stated that on 21.05.2013 at about 1.30 p.m. due to previous enmity, FIR named accused came to his house and started abusing him. It has been further stated accused Dhanuk Dhari Yadav sprinkled kerosene oil and, thereafter, Prakash Yadav set him on fire by match-stick. Allegation against the petitioner is of pressing the mouth of the informant. The SDPO has supervised the case and he found the case not to be true, however, the S.P. found the case to be



true and charge-sheet has been submitted.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. Petitioner is in custody since 16.03.2019.

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 court below where the case is pending in connection with Khutauna P.S. Case No. 34 of 2013 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)

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