

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3942 of 2020**

Arising Out of PS. Case No.-234 Year-2019 Thana- SAUR BAZAR District- Saharsa

Mohan Yadav S/o Late Bishundeo Yadav R/o village- Sahasram, P.S.- Sour
Bazar (Patarghat O.P.), District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Opposite Party/s : Mr.Manoj Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 22-01-2020 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in **Sour Bazar (Patarghat O.P.) P.S. Case No. 234 of 2019**, registered for the offence punishable under Sections 302, 120(B) and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, on 09.05.2019 in the evening, informant's father went to attend some function on a motorcycle, but he did not return till 9.00 p.m. Thereafter, informant tried to contact his father on his mobile phone, but the same was found switched off. Next day, in the morning, informant got information from the villagers that some unknown criminals committed murder of his father by firing and threw his dead-body in a canal. Thereafter, informant went there and found dead-body of his father lying in that canal and motorcycle



was also parked there. It is further alleged that there is land dispute between his cousin (Mamera) brothers Pankaj Yadav and Praveen Yadav and his father used to help Pankaj Yadav due to which Praveen Yadav got annoyed and used to threat his father. Informant suspected the hand of Praveen Yadav in the alleged murder.

It is submitted by learned counsel appearing on behalf of petitioner that petitioner is innocent and has falsely been implicated in this case. Petitioner is not named in the F.I.R. There is no eye-witness of the occurrence. No incriminating article has been recovered from possession of this petitioner. Name of this petitioner has surfaced in this case on the basis of confessional statement of co-accused Raj Kishore Yadav. There is no material which shows involvement of this petitioner in the alleged crime. Co-accused Raj Kishore Yadav has been granted bail by this court vide order dated 22.01.2020 passed in Cr. Misc. No. 2846 of 2020. Petitioner is in custody since 27.07.2019 having clean antecedent.

Considering the facts aforesaid, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Chief Judicial**



Magistrate, Saharsa in connection with **Sour Bazar**
(Patarghat O.P.) P.S. Case No. 234 of 2019, subject to the
following conditions:-

(i) The 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 in the event of failure on two consecutive dates
without sufficient reasons, his bail bond shall be liable to be
cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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