

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18240 of 2020

Arising Out of PS. Case No.-245 Year-2019 Thana- KISHUNPUR District- Supaul

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1. Dipendra Yadav @ Dipendra Kumar Yadav Son of Ram Kumar Yadav Resident of Village- Mahua, P.S.- Nirmali, District- Supaul.
 2. Dipesh Yadav @ Dipesh Kumar Yadav Son of Upendra Yadav Resident of Village- Mahua, P.S.- Nirmali, District- Supaul.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Arun, Adv.

For the Opposite Party : Ms.Veena Kumari Jaiswal,APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 05-06-2020 The matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioners as well as learned APP for the State.

The petitioners seek bail in Kishanpur P.S. case No. 245 of 2019 instituted for the offence under Section 302/34 of the IPC. Later on, charge sheet has been submitted under Sections 279, 304A of the IPC.



The informant has alleged that the petitioners along with deceased had gone for witnessing an orchestra. Next morning the dead body of the victim has been found on the national highways. The petitioners have been implicated in the instant case subsequently by the informant on extraneous consideration. The informant has implicated the petitioners as having caused the death of the victim.

Petitioners' counsel submits that having no criminal antecedents, the petitioner nos.1 and 2 are in custody since 19.11. 2019 and 26.11.2019 respectively. The investigation and the postmortem report clearly suggest that death has occurred due to an accident. The charge sheet, accordingly, has been submitted under Sections 279 and 304(A) of the IPC. On surmises and conjectures, the bail application of the petitioners has been rejected by the Court below.

The learned counsel for the State opposed the prayer for bail.

Considering the rival submissions this Court is inclined to allow the petitioners' prayer for bail.

Accordingly, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction



of the **CJM Supaul**, in connection with **Kishanpur P.S. case No. 245 of 2019**, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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