

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26535 of 2020

Arising Out of PS. Case No.-226 Year-2019 Thana- KATORIYA District- Banka

Pakki Yadav @ Prakash Yadav aged Year (Male) Son of Late Gagan Yadav,
Resident of Village, Dumariya, P-S, Katoriya District Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh
For the Opposite Party/s : Mr. Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 03-12-2020 Heard Mr. Nawal Kishore Singh, learned counsel for
the petitioner and Mr. Khurshid Anwar, learned counsel
appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with
Katoriya P.S. Case No. 226 of 2019 registered for the offence
under Section 302 /34 of the I.P.C. and Section 27 of the Arms
Act.

The allegation as per the First information Report is
that the informant received an information that his son was
found dead near water tank at Barbasini. It has further been
alleged that the son of the informant was Deputy Mukhia of the
Panchayat – Barbasini and Ex-Mukhiya Prakash Yadav, S/o
Jhagru Yadav had threatened his son with dire consequences if
he would interfere in the work of MNREGA.



Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. and he has falsely been implicated in this case with oblique motive. Learned counsel further submits that from perusal of the First Information Report and the material collected during the course of investigation it would be evident that it was the co-accused / Prakash Yadav, S/o Jhagru Yadav, Ex-Mukhiya who was allegedly involved in the occurrence and none of the witnesses has taken the name of the petitioner except one witness in paragraph - 108 of the case diary and that too from perusal of the same it would be evident that only suspicion has been raised against the petitioner and others.

Learned counsel for the State referring to the case diary submits that the petitioner in connivance with other accused persons has committed the present offence as such he does not deserve the privilege of bail.

Having regard to the submissions made by learned counsel for the parties and taking into consideration the materials available on record and the fact that petitioner is in custody since 21.02.2020 , I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be



released on regular bail on furnishing bail bond of Rs. 10,000/-
(ten thousand) with two sureties of the like amount each to the
satisfaction of learned Chief Judicial Magistrate, Banka in
connection with Katoriya P.S. Case No. 226 of 2019.

It is made clear that at the time of furnishing bail bond
all the parties shall follow the guidelines regarding social
distancing.

(Anil Kumar Sinha, J)

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