

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 27381 of 2020**

Arising Out of PS. Case No.-477 Year-2019 Thana- SHEKHPURA District- Sheikhpura

PRAHLAD YADAV S/O Dallu Yadav Resident of Mohalla - Sadipur
(Lodipur), P.S. - Sheikhpura, District - Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Syed Rizwanul Haque, Advocate

For the Opposite Party/s : Mr Lalan Kumar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 20-10-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

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

Heard learned counsel for the petitioner.

Mr Lalan Kumar, APP is appearing as it is submitted that the brief has been allotted to him by the Office of Advocate General. His name may also be printed in the cause list.

The petitioner seeks bail in Sheikhpura (Kusumbha OP) Police Station (for brevity, PS) Case No 477 of 2019



instituted for the offence punishable under Sections 376, 306, 120B of Indian Penal Code.

The case of the prosecution is that the informant's daughter has died after she consumed poison. The cause is said to be rape committed by the petitioner upon the informant's daughter who happens to be aunt of the petitioner.

The learned counsel for the petitioner submits that due to the family property dispute, the prosecution was launched against the instant petitioner. The restoration of harmony between the family members have led to filing of a compromise petition by the informant in the Court below (Annexure 2). The petitioner is said to be suffering from chronic liver diseases and is in custody since 04.03.2020.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Sheikhpura in Sheikhpura PS Case No 477 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of



the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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