

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23087 of 2020

Arising Out of PS. Case No.-338 Year-2019 Thana- KHAIRA District- Jamui

MAHADEO YADAV S/o Titu Yadav Village- Darima, P.S.- Khaira, Distt-
Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 04-11-2020 Heard Mr. Satya Prakash Parasar, learned counsel
for the petitioner and Mr. Nawal Kishore Prasad, Additional
Public Prosecutor for the state through video conferencing.

2. Petitioner seeks regular bail in connection with
Khaira PS Case No. 338/2019 registered for the offence
punishable under Sections 302 read with 34 of the IPC and 3/4
of the Daiyan Act.

3. The allegation against the petitioner as per First
Information Report is that on 12.11.2019, the informant had
gone to Lakhisarai, then he received a call from his wife on his
mobile who informed that neighbour of the informant along
with petitioner, total eleven in numbers, have entered into the
house and started damaging the household properties and when
the informant returned back to his home, he found that his



household properties were damaged and his father had locked himself in a room and his mother was missing and on the next day i.e., on 13.11.2019, the dead body of her mother was found on the bank of the river. The informant had alleged that all the named accused total eleven in numbers including the petitioner had tortured and killed his mother calling her as Daiyan.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case with oblique motive. Learned counsel for the petitioner further submits that both the parties are neighbours and there was previous enmity between the parties and referring to Annexure-2 to this application, learned counsel submits that present petitioner was a seizure list witness in one case bearing Jorbagan (Kolkata) PS Case No. 24/2013 registered under Section 304 IPC, in which one of the accused persons of that case is related to the present informant.

5. Learned counsel also submits that there is no specific allegation against the petitioner and none of the independent witnesses has supported the prosecution story. Learned counsel also submits that charge-sheet has already been submitted and the petitioner is in custody since 11.12.2019.

6. Having regard to the submissions made by the



parties and taking into consideration the material on record and the fact that charge-sheet has already been submitted and the petitioner is in custody since 11.12.2019, I am inclined to grant regular bail to the petitioner subject to the condition that petitioner will be well represented on each and every date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

7. Accordingly, let the petitioner, MAHADEO YADAV be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Khaira PS Case No. 338/2019.

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

(Anil Kumar Sinha, J)

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