

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29005 of 2020**

Arising Out of PS. Case No.-51 Year-2020 Thana- AANDAR District- Siwan

MANTU YADAV Son of Shri Chandrabhan Yadav Resident of Village -  
Dahabari, P.S.- Aandar, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                      |
|--------------------------|---|------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Ajay Thakur Adv. with<br>Mr. Pravin Kumar, Adv   |
| For the Opposite Party/s | : | Mr. Rajesh Kumar                                     |
| For the Informant        | : | Mr. Y.V.Giri, Sr. Adv. with<br>Mr. Ashok Kumar, Adv. |

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

4      21-12-2020      As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel 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.

Mr. Rajesh Kumar, learned 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.

Heard Mr. Thakur learned counsel for the petitioner, Mr.



Y.V. Giri learned senior counsel appearing for the informant as well as learned APP for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Aandar P.S. Case no. 51 of 2020, instituted for the offence under Section 302/34 of the I.P.C. and Section 27 of the Arms Act. Subsequently, Sections 212 and 120B of the IPC was added.

The prosecution case is that the informant's husband was killed by Monu Dubey, Chandrabhan Yadav, Mantu Yadav (petitioner), Vinod Yadav, Rishu Pandey and Ankit Pathak at his home. The allegation of assault is alleged by firearm and it is alleged that Mantu Dubey @ Vijay Shanker Dubey and Rinku Dubey @Ashutosh Dubey, who are cousins, have also witnesses the occurrence.

Mr. Thakur appearing for the petitioner submits that petitioner's implication is false which is evident from that fact that the seizure list was prepared early in the morning on 07.04.2020, immediately after the occurrence whereas the FIR bearing the petitioner's name has been lodged at 4.30 PM. It is



further his submission that petitioner has no criminal antecedents. The implication is only because he happens to be son of co-accused Chandrabhan Yadav who is already facing prosecution for shooting the first cousin of the informant in Andar P.S. Case No. 62 of 1997, and under such circumstances, he is in custody since 08.04.2020. The co-accused, namely, Vikash Kumar and Monu Kumar, who have been examined, have not stated about any firing by the petitioner. The co-accused persons have consistently named Rishu Pandey and Sonu Yadav (co-accused persons) to have inflicted the two fire arm injuries which stands corroborated by the postmortem report.

The submission is countered by the learned senior counsel appearing for the informant as well as the learned APP. It is submitted that there is direct allegation of assault by firearm leading to the death of the victim against six accused persons, including the petitioner. The informant and two FIR named witnesses have supported the allegations. During the investigation neighbours of the victim and informant have also stated about seeing the petitioner fleeing with other accused persons after committing the murders. It is submitted that in the circumstances, the petitioner is not entitled to the privilege of



bail as the case has now been committed and trial has commenced.

This Court, having considered the rival submissions is inclined to allowed the petitioner's prayer for bail. Let the petitioner, above named, be released 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 J.M.1<sup>st</sup> Class Siwan, in connection with Aandar P.S. Case no. 51 of 2020, 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.

**(Madhuresh Prasad, J)**

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