

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64594 of 2019

Arising Out of PS. Case No.-33 Year-2015 Thana- GOVINDPUR District- Nawada

Umesh Yadav S/o Late Bihari Yadav Resident of Village- Thali Bazar, P.S.-
Govindpur, District- Nawadah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 24-01-2020 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in **Govindpur P.S. Case No. 33 of 2015**, registered for the offences punishable under Sections 306 and 34 of the Indian Penal Code.

Prosecution case in brief is that on 27.03.2015 at about 6.45 a.m., the informant (deceased) saw a dead body of an old man aged about 70 years, lying near the Peepal tree at the Durga Mandir and froth was coming out from his mouth and near the dead body, photostat copy of an application, found kept under the brick and a packet of Selphos, was found there. Local people disclosed the name of the deceased, as Bihari Yadav. From reading of application, it seems that the sons of the deceased namely, Umesh Yadav (petitioner) and Sanjay @ Sonu partitioned the property in between them and stopped



providing food to the deceased and used to beat the deceased and due to torture the deceased committed suicide by consuming Selphos tablet.

It is submitted by learned counsel appearing on behalf of petitioner that petitioner's father was of unsound mind and committed suicide and due to village politics, petitioner and his brother has falsely been implicated in this case. Co-accused Sanjay Yadav @ Sonu Yadav has been granted bail by this court vide order dated 18.12.2019 passed in Cr. Misc. No. 69818 of 2019. Charge-sheet has already been submitted and there is no allegation of tampering with the evidence against this petitioner. Petitioner is in custody since 08.08.2019.

Considering the facts aforesaid, the petitioner above-named, is directed to be enlarged 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 learned **Additional Chief Judicial Magistrate, Nawada** in connection with **Govindpur P.S. Case No. 33 of 2015**, subject to the following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates



without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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