

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13104 of 2021**

Arising Out of PS. Case No.-156 Year-2019 Thana- KHARHAGPUR District- Munger

Narayan Yadav, Son of Late Nimani Yadav, Resident of Village - Muhalla -
Harlawa, P.S. - Laxmipur, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Sanjiv Kumar Singh, Advocate
For the State	:	Mr. Nityanand, APP
For the Informant	:	Mr. Pramod Kumar & Mr. Anil Kumar, Advocates

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

2 16-07-2021 The matter has been taken up today for consideration
through video conferencing.

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

Heard learned Counsel for the petitioner and the
learned APP for the State as well as the learned counsel for the
informant.

The petitioner seeks bail in connection with
Kharagpur P.S. Case No.156 of 2019 registered for the offence
punishable under Sections 147, 148, 341, 323, 324, 325, 307
and 302 of the Indian Penal Code.



Upon the alleged statement of the victim communicated to the informant (his wife), she has lodged the instant case against some named and some unnamed persons. Petitioner is one of the named accused.

It is submitted by the petitioner's counsel that the F.I.R. shows that the informant is not an eye-witness to the occurrence. There is no specific allegation attributing any specific assault against the petitioner. Other co-accused similarly situated, namely, Vishnu Deo Yadav, Shibu Yadav and Prakash Yadav @ Prakash Kumar Yadav, have been allowed bail in Cr.Misc. No.3247 of 2020, Cr.Misc. No.73554 of 2019 and Cr.Misc. No.84016 of 2019, respectively. Petitioner is stated to be aged about 78 years and having no criminal antecedents. It is further submitted that on extraneous considerations, his name has also been stated as being one of the accused persons. Petitioner is in custody since 23.12.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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 court of learned A.C.J.M.-IV, Munger, in connection with Kharagpur P.S. Case No.156 of 2019 (G.R. No.1166/19), 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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