

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12402 of 2021**

Arising Out of PS. Case No.-204 Year-2020 Thana- SAUR BAZAR District- Saharsa

MAHANT YADAV Son of Late Jagdish Yadav @ Jago Yadav Resident of
Village - Surm,aha Tola, Ward No.7, P.S.- Sour Bazar, Dist.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate

For the Opposite Party/s : A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 24-06-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Saur Bazar (Patarghat O.P) P.S. Case No. 204 of 2020 registered under sections 302, 307, 147, 148, 149, 341, 323, 504 and 506 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the F.I.R, it is stated by the informant that there was dispute relating to land between him and his uncle. On the date of occurrence, the seven named accused persons including the petitioner herein took the informant and his younger brother forcibly to the house. Thereafter, on the orders of Raghubar Yadav, it is stated that Jai



Kumar Yadav fired on the younger brother of the informant as a result of which he died. Thereafter, the informant was also struck with the butt of the revolver.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the F.I.R. are false and concocted. From perusal of the F.I.R. itself, it would transpire that there was dispute between the informant and his uncle Jai Kumar Yadav. The petitioner has been falsely implicated in the case because of his proximity to uncle of the informant. No overt act has been alleged against him. He is in custody since 20.5.2020 and has no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that the main allegation is against Jai Kumar Yadav, no overt act has been alleged against this petitioner and the petitioner having remained in custody for more than 1 year, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Saur Bazar (Patarghat O.P) P.S. Case No. 204 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Additional Chief Judicial Magistrate-
II, Saharsa.

(Partha Sarthy, J)

Prakash/-

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