

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11041 of 2021**

Arising Out of PS. Case No.-206 Year-2020 Thana- BELHAR District- Banka

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RANJEET YADAV Son of Gangadhar Yadav, Resident of Village - Kharodha,
P.S. - Belhar, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 06-08-2021 In view of sudden resurgence of COVID–19 infection

there is limited functioning of the High Court and therefore the

matter has been listed for consideration through virtual mode.

Heard learned counsel for the petitioner and the

learned APP for the State.

This Court would expect that the petitioner’s Counsel

would honour his undertaking in the instant proceedings

regarding supply of requisite court fee etc. within two weeks

from the date he is called upon to do so by the office.

Petitioner seeks bail in Belhar P.S. Case No. 206 of

2020 registered for offence punishable under sections 302/34 of

the Indian Penal Code.

The informant has lodged the FIR stating therein that

her husband has been killed by his brother (petitioner). After



inducing him to consume liquor he has been hanged. The motive is stated to be an attempt to grab the property of the deceased.

Learned Senior Counsel for the petitioner submits that as per the FIR the informant is not an eye witness, as she was at her *Maike*. She has stated about receiving intimation from her sister Sarita. Sarita has been examined in the course of investigation. She too has stated that she has received intimation regarding death of Sanjay Yadav, therefore, her statement is also not based on any ocular witness to the occurrence. The submission is of false implication. The *Sanha* has been lodged on information by the local villagers that Sanjay Yadav has died due to hanging. They also have not stated that he was hanged by anyone, much less the instant petitioner. The *post mortem report* also does not show that the liquor was consumed by the deceased prior to death. He submits that it is, in fact, a case of suicide by Sanjay Yadav out of frustration, as the informant had gone to her *Maike*. The petitioner, under such circumstances, is in custody since 28.09.2020.

Learned APP has opposed the prayer. He has submitted that the informant has assigned the motive that the petitioner was trying to grab the property of the deceased. The prayer for bail is opposed. The petitioner is also stated to be



accused in one more case, namely, Belhar P.S. Case No. 198 of 2018 in which he is on bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Banka in Belhar P.S. Case No. 206 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 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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