

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15058 of 2021

Arising Out of PS. Case No.-49 Year-2020 Thana- MANSAHI District- Katihar

SURESH YADAV Son of Late Raghu Yadav Resident of Village - Bishanpur,
P.S.- Mansahi, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.N.K.Agrawal, Sr. Adv.
Mr.Md.Musowir, Adv.

For the Opposite Party/s : Ms.Preety Kunwar, Adv.
Mr.Mrityunjay Kr. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-07-2021 Heard the parties through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Mansahi P.S. Case No.49 of 2020 registered for the offence punishable under Sections 302/120(B)/34 of the Indian Penal Code and section 27 of the Arms Act.

The prosecution case in short is that while the wife of informant was cutting grass in the field, she was taken away in the maize crops by all the accused persons. From some distance,



the informant heard sound of two round fire arms and saw pistol was in the hand of one Lalu Yadav. It is alleged that there was land dispute between the parties and one Surja Yadav have threatened to kill her four days ago.

It is submitted by learned Senior Counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken place. He has been falsely implicated in this case due to land dispute. Neither the informant nor a single witness have seen the occurrence. There is general and omnibus allegation against the petitioner and the specific allegation is against co-accused Lalu Yadav as well as Surja Yadav who threatened to kill. There was illicit relation between the deceased and co-accused Lalu Yadav and the informant's family members have objected to this. Due to this relationship she may have been killed by informant's side. No incriminating article has been recovered from the conscious physical possession of the petitioner. The petitioner has no criminal antecedent and has been languishing in custody since 08.06.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, since there is no direct allegation, the above named petitioner is



directed to be enlarged on bail on furnishing bail bond of Rs.
25,000/- (Rupees Twenty Five Thousand) with two sureties of
the like amount each to the satisfaction of the learned A.C.J.M.-
VI, Katihar, in connection with Mansahi P.S. Case No.49 of
2020.

(Anjani Kumar Sharan, J)

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