

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15469 of 2021

Arising Out of PS. Case No.-231 Year-2020 Thana- NATHNAGAR District- Bhagalpur

Makhan Yadav Son of Gangadhar Yadav Resident of Village- Nayatola
Mirzapur, P.S.- Madhusudanpur (Nathnagar), District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Opposite Party/s : Smt. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 11-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in S.T. No. 292 of 2020, arising out of Nathnagar (Madhusudanpur) P.S. Case No. 231 of 2020, registered for the offence under Sections 302, 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, in the intervening night of 18/19 April, 2020 at about 2-3 A.M., on hearing the sound of firing, the informant woke up and saw that all the FIR named accused persons, including this petitioner, were running from the side of the house of the informant and his son namely Abhinandan Kumar was lying in injured condition in front of the house of his brother. The informant suspects that this petitioner alongwith other FIR named accused persons have shot



dead his son for the reasons that daughter of the co-accused Subhash Yadav wanted to marry with the deceased and a panchayat was convened on that issue and a fine of Rs. 20,000/- was imposed on the informant, which was paid to co-accused Subhash Yadav, and co-accused Subhash Yadav, Munsu Yadav and this petitioner had threatened the informant for dire consequences.

It is submitted on behalf of petitioner that there is no eye-witness to the occurrence and petitioner was only seen fleeing away from the place of occurrence. As per F.I.R. itself, the alleged occurrence is said to have taken place in the night, but there is no source of identification in the F.I.R. and only on suspicion, the petitioner has been made accused in this case. Petitioner has got clean antecedent and he is in custody since 01.08.2020. Charges have already been framed.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. Let the above named petitioner 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 learned 4th Addl. Sessions Judge,



Bhagalpur in connection with S.T. No. 292 of 2020, arising out of Nathnagar (Madhusudanpur) P.S. Case No. 231 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

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

(Prabhat Kumar Singh, J.)

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