

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18395 of 2021**

Arising Out of PS. Case No.-114 Year-2020 Thana- LAUKAHA District- Madhubani

SHIVNATH YADAV SON OF LATE RAMA YADAV R/O VILLAGE-
MULIN BELHA, P.S.- LALMANIA O.P. (LUKHAHA), DISTRICT-
MADHUBANI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Adv.

For the Opposite Party/s : Mr.Manoj Kr. No.1, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 29-07-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

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 Laukaha
(Lalminia) P.S. Case No.114 of 2020 corresponding to G.R.
Case No.576 of 2020, registered for the offence punishable
under Sections 302/34 of the Indian Penal Code.

The prosecution case in short is that petitioner being
father of the deceased, on the alleged date of occurrence gave



order on the mobile to other co-accused persons to commit murder of the deceased as according to him, deceased was not his son because his colour was white, therefore, he was his illegal child and prior to this he has tried to murder earlier also and was committing torture to the informant also that deceased was not his son.

It is submitted by learned 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 local village politics, informant has implicated him and his family. Allegation against the petitioner is false and concocted. Learned counsel submits that the petitioner was not present at the place of occurrence at the time of alleged occurrence. The victim died due to electrocution when no one was present and when his grand mother and uncle saw, he was lying dead. No incriminating article has been recovered from the conscious physical possession of the petitioner. Similarly situated co-accused namely Chandeshwari Devi has been granted bail vide order dated 29.6.2021 passed in Cr. Misc. No.7418 of 2021 by a co-ordinate Bench of this Court. The petitioner has no criminal antecedent and has been languishing in custody since



02.09.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, since there is no specific overt act against the petitioner, 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 Judicial Magistrate-1st Class, Jhanjharpur, in connection with Laukaha (Lalminia) P.S. Case No.114 of 2020 corresponding to G.R. Case No.576 of 2020.

(Anjani Kumar Sharan, J)

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