

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20017 of 2021

Arising Out of PS. Case No.-343 Year-2020 Thana- SIRDALA District- Nawada

Shankar Yadav, Son of late Kali Yadav, Resident of Village - Govindpur,
Police Station - Wazirganj, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar, Advocate.

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

4 06-12-2021 The applicant/accused in Crime No. 343 of 2020 registered with Sirdala (Meskaur) Police Station for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code at the instance of first informant Manoj Yadav, by this application is seeking his release on bail during pendency of the trial.

Heard both sides including the learned counsel appearing for the first informant.

The FIR came to be lodged by Manoj Yadav who is son of the deceased Ram Balak Yadav. The principal accused named therein is Saryu Yadav who is his uncle. The first informant averred that the deceased Ram Balak Yadav had left the house along with accused Saryu Yadav on 30.08.2020 for seeing Tajiya of Moharram. However Ram Balak Yadav did



not return. The first informant stated that blood stains cloths of Ram Balak Yadav were seen on 31.08.2020 near the reservoir and on 01.09.2020, dead body of Ram Balak Yadav was found floating in the reservoir. It is further averred by the first informant that upon being asked, Saryu Yadav told them that Ram Balak Yadav had left their company at the village named Chack.

According to the prosecution case interrogation by the villagers in strict manner yielded in confession of Saryu Yadav declaring that he along with his associates including the applicant had tied hands and legs of Ram Balak Yadav and threw him in the reservoir because of dispute arose during the booze session.

What is relied by the prosecution as well as learned counsel appearing for the first informant is statement of Munna Yadav. This statement is also a hearsay statement. The report of the postmortem examination shows that death was due to shock and asphyxia due to drowning. Except this no other evidence is pointed out against the applicant. It seems that the trial has started. However, considering the nature of evidence against the applicant, his pretrial detention is not warranted and therefore, the order :-



i. The application is allowed.

ii. The applicant/accused in Crime No. 343 of 2020 registered with Sirdala (Meskaur) Police Station for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be forfeited by the court below.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat



commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue bail-writ as per this order only after removal of office objections by the appellant/accused.

(A. M. Badar, J)

Bhardwaj/-

U		T	
---	--	---	--

