

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31480 of 2021

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

1. MANTU YADAV Son of Late Labhnarayan Yadav R/O- Bisunpur, P.S.- Mansahi, Distt.- Katihar
2. Raju Yadav Son of Late Labhnarayan Yadav R/O- Bisunpur, P.S.- Mansahi, Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Adv.

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-12-2021 Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Mansahi PS case no. 49 of 2020 instituted for the offences punishable under Sections 302, 120B/34 of Indian Penal Code and 27 of 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 rounds of firing by fire arms and saw a pistol in the hand of one Lalu Yadav. It is alleged that there was land dispute between the parties and one



Surja Yadav had threatened to kill her four days ago.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 26.11.2020. The learned counsel for the petitioner has further submitted that the petitioner 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 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 had 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 possession of the petitioner. The petitioner is stated to be having no criminal antecedent. The learned counsel for the petitioner has further submitted that similarly situated co-accused person has already been granted bail by a co-ordinate Bench of this Court vide order dated 26.07.2021, passed in Cr. Misc. no. 15058 of 2021.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused person who has been granted bail by a co-ordinate Bench of this Court, I deem it fit and proper to admit the petitioner to the privilege of bail. Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of C.J.M., Katihar in connection with Mansahi PS case no. 49 of 2020.

(Mohit Kumar Shah, J)

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