

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30789 of 2021

Arising Out of PS. Case No.-285 Year-2020 Thana- MANJHAGARH District- Gopalganj

1. SHANKAR YADAV Son of Late Inar Yadav Resident of Village- Madhu Sareya, P.S.- Manjhagarh, District- Gopalganj.
2. PREM YADAV Son of Yogendra Yadav Resident of Village- Madhu Sareya, P.S.- Manjhagarh, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Arun Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 14-12-2021 Heard Mr. Akhilesh Kumar, learned counsel for the petitioners and Mr. Arun Kumar, learned Additional Public Prosecutor appearing for the State.

Petitioners seek regular bail in connection with Manjhagarh P.S. Case No. 285 of 2020 registered for the offence punishable under Section 302/34 of the Indian Penal Code 1860.

The allegation as per the First Information Report is that the petitioners along with other co-accused persons allegedly assaulted the informant while she was feeding her ten months old child in her lap, and due to the assault, the child of the informant died.

Learned counsel for the petitioners submits that the



petitioners have not committed any offence in the manner alleged and they have falsely been implicated in this case due to family dispute inasmuch as the petitioner No. 1 is own brother of the husband of the informant and petitioner No. 2 is agnate. Learned counsel further submits that during course of investigation, the witnesses have said that the child of the informant was suffering from some liver ailment since birth and due to which he he has died. He referring Annexure-2 of the bail petition which is postmortem report, submits, that no external injuries have been found on the person and the dead body of the child. The petitioners are in custody since 5.1.2021.

On the other hand, learned counsel for the State referring to the case diary submits that the viscera report has been kept reserved for the purpose of forensic analysis and the same has not been received by the Investigating Officer.

Regards being had to the submission made by the parties and taking into consideration the materials on record and the fact that no external injury has been found on the body of the deceased child and further, the witnesses during course of investigation have stated that the child was suffering from some liver ailment since birth, the petitioner is in custody since 5.1.2021 and charge sheet has already been submitted, I am



inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Manjhagarh P.S. Case No. 285 of 2020.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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