

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32372 of 2021

Arising Out of PS. Case No.-206 Year-2020 Thana- BELHAR District- Banka

Chulo Yadav S/O Chhote Yadav Resident of Village - Kharondha, Police
Station- Belhar, District - Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyama Nand Thakur, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-11-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Belhar P.S. Case No. 206 of 2020 instituted for the offences
under Sections 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 12.02.2021, charge-sheet has been
submitted in the case and is a person with clean antecedent.

Learned counsel for the petitioner submits that from
bare perusal of the allegation as alleged in the F.I.R. it would
manifest that the informant alleges that her husband has been
killed by the accused persons named in the F.I.R., after inducing
him to consume liquor and thereafter he was hanged. The
motive is alleged to be an attempt to grab the property of the



deceased.

Learned counsel for the petitioner submits that as per F.I.R., the informant is not an eye-witness as she was at her father's house. Further, the informant received intimation about the occurrence from her sister Sarita. Further, Sarita has been examined in course of investigation and she too has stated that she received intimation regarding death of Sanjay Yadav (deceased), as such she is also not an eye-witness to the occurrence. The submission is of false implication. Further, the *Sanha* has been lodged on information by the local villagers that deceased died due to hanging and they have also not stated that he was hanged by anyone, much less the petitioner. The postmortem report also does not show that liquor was consumed by the deceased prior to death.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that motive behind the occurrence was to grab the property of the deceased.

Considering the fact that the petitioner is in custody since 12.02.2021, charge-sheet has been submitted in the case, the petitioner is a person with clean antecedent and co-accused Ranjeet Yadav has been granted regular bail vide order dated 06.08.2021 in Cr. Misc. No. 11041 of 2021 and Bhola Yadav



and Mukesh Yadav have been granted anticipatory bail vide order dated 28.10.2021 in Cr. Misc. No. 949 of 2021, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka in connection with Belhar P.S. Case No. 206 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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