

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33406 of 2021

Arising Out of PS. Case No.-34 Year-2020 Thana- KATORIYA District- Banka

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Guddu Yadav @ Guddu Kumar Son Of Pairu Yadav Resident Of Village -
Barmasiya, P.S.- Katoria, Distt.- Banka. ... Petitioner

Versus

The State Of Bihar ... Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr.MK Nirala, Addl Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 03-09-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under sections 302/34 of the Indian Penal Code.

As per the prosecution case, while the informant's son was returning to his house by motorcycle, incidentally his motorcycle touched the motorcycle of this petitioner. Thereafter, petitioner and other accused persons caught him and took him to nearby Coaching center and brutally assaulted him who died during course of treatment.

Learned counsel for the petitioner submits that in fact no such occurrence took place and the victim might have died due to fall on the road in an accident. There is general and omnibus allegation of assault against all the accused persons and no specific overt has been alleged against the petitioner. FIR was lodged three days of the occurrence without explanation of delay. Petitioner has claimed clean antecedent and he is in



custody since 17.2.2021.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submissions of the parties and the materials available on the record, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Banka in Katoriya Police Station Case No. 34 of 2020 on the following conditions:-

(1) Petitioner shall co-operate 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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