

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37108 of 2021

Arising Out of PS. Case No.-499 Year-2020 Thana- BANKA District- Banka

CONGRESS YADAV SON OF UMA YADAV RESIDENT OF VILLAGE-
BHADARIYA, POLICE STATION-BANKA, DISTRICT BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.APP.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-12-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks bail in connection Banka P.S. Case no.
499 of 2020 registered for the offence punishable under sections
341, 342, 302/34 of the Indian Penal Code read with section 7
(C) of Protection from Lynching Act, 2017.

Learned counsel for the petitioner submits that
petitioner is in custody since 19.2.2021 and is person with clean
antecedent and charge sheet has been submitted. Learned
counsel for the petitioner further submits that in the FIR, the
informant alleges that he got information that his son was being
assaulted by Kishundeo Yadav in his house after tying him in
pillar of verandah. It is further alleged that the informant on
getting information reached there and saw this petitioner along



with seven other was assaulting his son after tying him and when they saw the informant, they threatened him and as such informant fled away from the place of occurrence and before the police reached at the place of occurrence, son of the informant died. Learned counsel for the petitioner submits that informant though alleges that he reached at the place of occurrence but then it is also alleged that he fled away from the place after the accused threatened him as such he is not eye-witness to the occurrence with regard to assault and who assaulted how. Learned counsel submits that allegations are general and omnibus in nature and further co-accused Kishundeo Yadav has been granted bail by order dated 27.8.2021 in Cr. Misc. no. 4757/2021 against whom it is alleged that it was in his house son of the informant was being assaulted.

Learned APP opposes the prayer for bail and submits that there is allegation against all accused persons named in the FIR regarding assaulting son of the informant as a result of which he died.

Considering the facts that petitioner is in jail custody and charge sheet has been submitted and is person with clean antecedent and co-accused has been granted bail, the petitioner is directed to be released on bail on furnishing bail bonds of Rs



25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Banka/ Successor court in Banka P.S. Case no. 499 of 2020 with condition that petitioner will mark his attendance in between 20-25 of every month commencing from January, 2022 till the charges are not framed. In the event it is reported by local police that petitioner has not marked his attendance in between 20-25 of any of the month till framing of the charge, the learned court below will be at liberty to cancel his bail bond.

(Satyavrat Verma, J)

s.hassan/-

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