

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39628 of 2021

Arising Out of PS. Case No.-512 Year-2020 Thana- MADHEPURA District- Madhepura

Lakhan Yadav @ Ram Lakhan Yadav S/O Late Kushi Yadav @ Kungi Yadav
R/o village- Bhadol, Ward No. 5, P.S.- Madhepura (Bharrahi O.P.), District-
Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Barun Kumar Singh

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-10-2021 Heard both parties.

The petitioner seeks bail in Madhepura (Bharrahi OP)
P.S. Case No. 512 of 2020, registered for the offence punishable
under Sections 307, 302 and other allied sections of the Indian
Penal Code.

As per the prosecution case, during road construction
work being done by Panchayat Samiti, scuffle took place
between the parties. It is alleged that all the FIR named accused
persons having armed with various weapons including petitioner
and 8-10 unknown persons assaulted the uncle of informant as a
result of which he fell down on the ground then co-accused
Wakil Yadav is alleged to have pressed his neck causing his
death.



It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case due to village politics. From bare perusal of FIR it would be apparent that specific allegation of pressing the neck of deceased is against co-accused Wakil Yadav. No specific overt act is alleged against this petitioner. From perusal of postmortem report it appears that the deceased died due to Asphyxia caused by hard and blunt substance and no external injury has been found on the person of deceased. Similarly situated co-accused Chandeshwari Yadav and Surendra Yadav have been granted bail by different coordinate Benches of this vide order dated 02.03.2021 passed in Cr. Misc. No. 40318 of 2020 and order dated 16.07.2021 passed in Cr. Misc. No. 7318 of 2021. Petitioner is in custody since 15.02.2021 having clean antecedent.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to 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 learned Chief Judicial Magistrate, Madhepura in connection with Madhepura (Bharrahi OP) P.S. Case No. 512 of 2020, subject to following conditions:-

- (i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

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

(Prabhat Kumar Singh, J)

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