

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30423 of 2020

Arising Out of PS. Case No.-50 Year-2020 Thana- KHUTAUNA District- Madhubani

Rupnarayan Yadav, Son of Late Yadhodhar Yadav, Resident of Village -
Dhanuki, P.S. - Lalmaniya (Laukaha), District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Ratanakar Jha, Advocate
For the State	:	Mr. Anand Mohan Prasad, APP
For the Informant	:	Mr. Sanjay Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 06-01-2021 Heard Mr. Yogesh Chandra Verma, learned Senior
Counsel for the petitioner and the learned APP for the State as
well as the learned counsel for the informant.

The petitioner seeks bail in connection with Khutauna
P.S. Case No.50 of 2020 corresponding to G.R. No.622/20
registered for the offence punishable under Sections 302, 34 of
the Indian Penal Code.

The case of the prosecution is that five persons,
including the petitioner, have taken away the victim from his
home. The victim it is said was riding on a motorcycle with the
petitioner. Same day in the evening, the dead body of the victim
has been recovered, leading to the lodging of the instant case.

It is submitted by the learned Senior Counsel



appearing for the petitioner that the allegations in the FIR make it abundantly clear that the victim had accompanied the petitioner and others. There is no allegation that the victim was forcibly taken away. Merely because of the circumstance of last seen with the deceased, the petitioner has been implicated on extraneous consideration as he happens to be the *Mukhiya* of the village and also on the basis of political consideration. The victim actually died suffering injuries on account of an accident and under supervision of senior police authorities, charge-sheet has been submitted under Sections 304A and 279 I.P.C. It is further submitted that the petitioner is in custody since 09.05.2020. He is on jail in other four cases pending against him as per the disclosure made in the petition.

Learned APP for the State and the learned counsel for the informant have vehemently opposed the prayer for bail. It is submitted that the victim had gone with the petitioner and thereafter he was found dead. The circumstances are indicative of the petitioner's direct involvement in the case.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released 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 Additional Chief Judicial Magistrate-III, Jhanjharpur, (Madhubani), in connection with Khutauna P.S. Case No.50 of 2020 corresponding to G.R. No.622/20, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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