

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42482 of 2021

Arising Out of PS. Case No.-106 Year-2020 Thana- DHURAIYA District- Banka

Prakash Yadav Son of Late Kishori Yadav Resident of Village - Baratikar, P.S.
- Dhoraiya, 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.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-10-2021 Heard both parties.

The petitioner seeks bail in Dhoraiya P.S. Case No. 106 of 2020, registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

As per the prosecution case, this petitioner along with co-accused Awadhesh Yadav assaulted the father of informant with lathi and bricks on his stomach and during treatment he died.

It is submitted on behalf of the petitioner that the occurrence is said to have taken place on 30.03.2020, but the FIR was lodged on 12.05.2020 i.e. delay of one hand half month for which there is no plausible explanation. For the same occurrence another FIR has been lodged by one Sukdev Singh bearing Dhoraiya PS Case No. 80 of 2020 under Section 307



and other allied sections of the IPC against 13 persons and in that FIR there is no specific allegation against any of the accused persons and thereafter, the present FIR was lodged. Doctor has not found any external injury and opinion is reserved with regard to cause of death. Petitioner is in custody since 08.01.2021.

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, Banka in connection with Dhoraiya P.S. Case No. 106 of 2020.

(Prabhat Kumar Singh, J)

vinita/-

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