

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33372 of 2020

Arising Out of PS. Case No.-35 Year-2019 Thana- JAMHOR District- Aurangabad
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MANTU YADAV Son of Madheshwar Yadav Resident of Village- Gigna,
P.S.- Jamhor, District- Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Prabhakar Singh, Adv.
For the Opposite Party/s	:	Mr. Ram Priya Sharan Singh, APP
For the Informant	:	Mr. Jitendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 17-02-2021 Heard Mr. Prabhakar Singh, learned counsel for

the petitioner and Mr. Jitendra Kumar Singh, learned counsel

for the informant. The State is represented by Mr. Ram Priya

Sharan Singh, learned APP.

The petitioner seeks bail in connection with

Sessions Trial No. 514 of 2019 arising out of Jamhor P.S.

Case No. 35/2019 instituted for offence under Sections

147, 148, 149, 341, 323, 325, 307 and 302 of the Indian

Penal Code.

The petitioner and four others are said to have

assaulted the brother of the informant, who ultimately



succumbed to his injuries.

Learned counsel for the petitioner submits that the prayer for bail of the petitioner and another was earlier rejected by this Court vide order dated 20.11.2019 passed in Cr. Misc. No. 50727 of 2019. While noting down the submissions, this Court had observed that the petition was being rejected for the present.

It has further been submitted that there is no specific accusation and that four other persons along with the petitioner had assaulted the deceased. The place of occurrence is also stated to be at two places, one at the place where toilet tank was going to be constructed and the other, at the house of the informant.

It was argued on the last occasion and it is being pressed today also that there was no intention on the part of the accused persons including the petitioner to kill the deceased.

The postmortem report refers to a stitched wound on the temporal region. It cannot be, it has been argued, ascertained as to the number of injuries received by the



deceased.

The petitioner is in custody since 03.05.2019.

On 19.01.2021, this Court had called for a report from the court below about the stage of the case, which has since been received. The report indicates that the case is fixed for framing of charge but the court is vacant because of the supersaturation of the Presiding Officer.

Learned counsel for the petitioner has further submitted that one of the accused persons, namely, Pintu Yadav has been granted bail on the grounds of parity but the fact remains that the case of Pintu Yadav is not same as that of the accused person, who has been granted bail and on which basis, aforesaid Pintu Yadav has got bail.

Learned counsel for the informant, however, submits that the petitioner and four others have assaulted the deceased over a petty dispute and it matters not whether there was any intention to kill the deceased. The injuries suffered by the deceased because of the assault perpetrated by the accused persons were in the ordinary course of nature likely to cause death. Thus, the petitioner cannot be



absolved of his liability of having killed the deceased.

After having heard the learned counsel for the parties and on perusal of the report of the Trial Court, it appears that there is no likelihood of trial being concluded in the near future.

Regarding being had to the period of custody of the petitioner, which is from 03.05.2019, he is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge -X, Aurangabad, in connection with Sessions Trial No. 514 of 2019 arising out of Jamhor P.S. Case No. 35/2019 subject to the following conditions:-

One of the bailors shall be a near relative. He shall participate in the trial and shall not absent himself on any occasion except with the prior approval / permission of the Trial Court. His absence from the trial proceedings would entitle the Trial Court to proceed immediately for cancellation of his bail.

While furnishing bail bonds, the petitioner shall



give his mobile telephone number as well as the mobile telephone numbers of his bailors, which shall be kept in operative condition till the conclusion of Trial. The petitioner shall not leave the territorial confines of the Court which is trying his case.

The petitioner shall also get his presence marked every week before the Officer -in-Charge of the concerned police station, preferably on each Monday. The Officer -in-Charge of the concerned police station shall not unnecessarily make the petitioner wait in the police station and shall immediately record his presence on his visiting to the police station.

The petition stands disposed of with the aforesaid observation.

(Ashutosh Kumar, J)

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