

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40091 of 2020

Arising Out of PS. Case No.-226 Year-2019 Thana- KATORIYA District- Banka

MANISH KUMAR SUMAN @ MANISH YADAV @ MUKESH YADAV
Son of Late Basudeo Yadav @ Basudev Yadav Resident of Village- Rikhiya
Rajdah, P.S.- Katoria, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar, Adv.
For the Opposite Party/s	:	Mr. Brij Nandan Prasad, Adv
For the State	:	Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-02-2021 Heard Mr. Praveen Kumar, learned counsel for the
petitioner, Mr. Brij Nandan Prasad, learned counsel for the
informant and Ms. Sucheta Yadav, Additional Public Prosecutor
for the State.

2. Petitioner seeks regular bail in connection with
Katoria PS Case No. 226/2019 registered for the offence
punishable under Sections 302/34 of the IPC and Section 27 of
the Arms Act.

3. The allegation, as per First Information Report, is
that the informant received an information that his son was
found dead near water tank at Barbasini. It has further been
alleged that the son of the informant was Deputy Mukhiya of
the Panchayat, Barbasini and Ex-Mukhiya, Prakash Yadav, S/O



of Jhagru Yadav had threatened his son with dire consequences if he would interfere in the work of MNREGA.

4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR and he has falsely been implicated in this case with oblique motive. Learned counsel further submits that from perusal of the FIR and the material collected during course of investigation, it would be evident that it was the co-accused, Prakash Yadav S/O Jhagru Yadav, Ex-Mukhiya who was allegedly involved in the occurrence and none of the witnesses has taken the named of the petitioner except on the date of occurrence, petitioner had a talk with the co-accused, Prakash Yadav on his cellphone.

5. On the other hand, learned counsel for the informant and State submit that petitioner had a talk with the co-accused on the date of occurrence and his mobile location was shown near the place of occurrence.

6. Learned counsel for the petitioner in reply submits that the petitioner is the co-villager of the deceased and the location of mobile may not indicate involvement of the petitioner in the present offence and only suspicion has been raised against the petitioner on that basis.



7. Learned counsel next submits that similarly situated co-accused person, Pakki Tadav @ Prakash Yadav has been granted bail by this Court in Cr. Misc. No. 26535/2020.

8. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that petitioner is in custody since 15.09.2020 and a similarly situated co-accused has already been granted bail by this Court, I am inclined to grant regular bail to the petitioner.

9. Accordingly, let the petitioner, MANISH KUMAR SUMAN @ MANISH YADAV @ MUKESH YADAV 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 learned Chief Judicial Magistrate, Banka in connection with Katoria PS Case No. 226/2019.

10. It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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