

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.505 of 2021

Arising Out of PS. Case No.-29 Year-2020 Thana- BANDHUWA KURAWA District- Banka

PRAMOD YADAV SON OF BULJARI RESIDENT OF VILLAGE-
KHANGAR, P.S.- BANDHUA KURBA, DISTRICT- BANKA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
		Mr. Najmul Hodda, Advocate
For the Opposite Party/s	:	Ms. Pushpa Sinha, APP
For the Informant	:	Mr. Balram Kapri, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 20-05-2021

In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

Heard learned senior counsel for the petitioner and the learned counsel for the informant as well as learned APP for the State.

The petitioner seeks bail in Bandhua Kurba P. S. Case No. 29 of 2020 registered for the offence under Sections 147, 148, 149, 341, 323, 302, 504, 506 and 450 IPC.

The informant has alleged that the petitioner along with five others have climbed on the roof top where her Eight years old son was sleeping. They have killed him by inflicting knife blows on his neck and thereafter while they were escaping she woke up and saw the accused persons. Earlier also on 08-05-2020 it is alleged that several persons had come variously armed to her house and threatened that within four days they would eliminate her son.



Learned Senior Counsel for the petitioner submits that the prosecution has tried to improve the allegation during course of investigation where the informant has claimed herself to be an eye witness along with other members of the family. It is further submitted that there is no details as to how all these persons have climbed on the roof top. Considering these facts co-accused namely Yogendra Yadav, Rohit Yadav and one Dilip Yadav, who is the person alleged to have cut the throat of the victim, have been allowed bail vide Criminal Misc. Nos. 34003 of 2020 and 1201 of 2021. Co-accused Mritunjay Yadav and Chabi Yadav have been allowed bail vide Criminal Misc. No. 346 of 2020. The petitioner is stated to be a man of clean antecedent and he is in custody since 22-09-2020.

Learned Counsel for the informant and the Learned APP for the State have vehemently opposed the prayer for bail. They have stated that it is the petitioner who pushed the victim on the floor and facilitated cutting of the throat by co-accused Dilip Yadav.

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 Chief Judicial Magistrate, Banka, in connection with Bandhua Kurba P. S. Case No. 29 of 2020, subject to the following conditions:-

1. 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.
2. 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.

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(Madhuresh Prasad, J)

