

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 458 of 2021**

Arising Out of PS. Case No.-158 Year-2018 Thana- MANIHARI District- Katihar

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PRADEEP YADAV S/o- Bhairo Yadav @ Bhero Yadav Resident of Village-
Bakharpur, P.S.- Pirpanti, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Abhay Kumar Singh, Advocate

For the Opposite Party/s : Ms Meena Singh, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 25-03-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Manihari Police Station
(for brevity, *PS*) Case No 158 of 2018 dated 11.07.2018
instituted for the offence punishable under Sections 147, 148,
149, 323, 325, 302 of Indian Penal Code and Section 27 of
Arms Act.

10 First Information Report named accused persons,
including the petitioner, have assaulted the informant's husband
leading to his subsequent death.

Learned counsel for the petitioner submits that the
post mortem report belies the prosecution case as death of the
victim was due to gunshot injury apart from other injury by hard



and blunt substance. The informant, however, has not stated about assault on the victim by firearm. Petitioner is in custody since 25.07.2020 and another co-accused Fulo Mahto, whose name was also stated by witness in the course of investigation along with the petitioner in paragraph 77 of case diary, has been allowed bail by this Court in Cr Misc No 34231 of 2020 under order dated 04.01.2021. Petitioner has one criminal antecedent. In that case also, he has not been named in the FIR, but subsequently has been implicated for which he has already taken recourse to the remedy of law for seeking bail.

Learned APP has opposed the prayer for bail. It is submitted that in paragraph 77 of case diary, witness has stated about seeing the petitioner committing the occurrence.

In view of the aforesaid circumstances, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 01st Class, Katihar in Manihari PS Case No 158 of 2018 dated 11.07.2018 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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