

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1886 of 2021

Arising Out of PS. Case No.-370 Year-2020 Thana- BARACHATTI District- Gaya

1. Satyendra Yadav aged about 30 years Son Of Chhatradhari Yadav Resident Of Village- Shimra, P.S.- Mohanpur, Distt.- Gaya
2. Savita Devi aged about 50 years W/O Chhatradhari Yadav Resident Of Village- Shimra, P.S.- Mohanpur, Distt.- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-03-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioners and the
State.

Petitioners seek bail in a case registered for the offence
punishable under section 306 and other ancillary sections of the
Indian Penal Code.

As per the prosecution case, on 17.6.2020 at about 4
pm petitioners along with other co-accused assaulted the
informant with lathi and danda and when her husband came to
rescue her, he too was assaulted. Accused persons warned her of
dire consequences if they do not transfer the rest of the land



to the accused persons. Next day on 18.6.2020 at about 8 am, dead body of informant's husband was found hanging with a rope. Informant apprehends that due to mental and physical torture, victim committed suicide.

Learned counsel for the petitioners submits that the parties have some land dispute as petitioners are agnate of the informant as such they have falsely been implicated in this case. It is also the case of the petitioners that the informant's husband was land broker and he might have committed suicide due to some other reason. Learned counsel submits that save and except suspicion, there is no other material against the petitioner to implicate him with the offence. Petitioners have got clean antecedent as stated in paragraph 3 of the bail petition. Petitioners are in custody since 10.8.2020.

Considering the facts and circumstances of the case and the fact that there is no direct allegation of instigation or any act to facilitate commission of crime against the petitioners, prayer for bail of the petitioners is allowed. Let the petitioners, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate Sherghati, Gaya in Barachatti Mohanpur Police



Station Case No. 370 of 2020 on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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