

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 4531 of 2021

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

Vikki Yadav @ Vivek Kumar Son of Buljari Yadav Resident of Village -
Khangar, P.S.- Bandhua Kurba, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Md Najmul Hodda, Advocate
For the State	:	Ms Anita Kumari Singh, APP
For the Informant	:	Mr Balram Kapri, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

2 22-06-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner, informant and
the learned APP for the State.

The petitioner seeks bail in Bandhua Kuruba Police
Station (for brevity, *PS*) Case No 29 of 2020 instituted for the
offence punishable under Sections 147, 148, 149, 341, 323, 302,
504, 506, 450 of Indian Penal Code.

The informant has alleged that her 11 years old son was
sleeping on the roof and has been done to death by cutting his
neck with knife. She has seen five persons fleeing away when
she woke up. The First Information Report (for brevity, *FIR*)
further discloses that prior to this incident, some co-accused
persons had meted out threat to the informant and her family.

It is submitted by petitioner's counsel that the FIR is



based on falsehood. Subsequently, the same informant has changed her version and claimed to be an eye witness of the occurrence. She has specifically named co-accused Dilip Yadav as the person who stabbed the neck of her son. The said Dilip Yadav has been granted bail by this Court in Cr Misc No 1201 of 2021 by order dated 12.03.2021. Other co-accused persons, namely, Yogendra Yadav, Rohit Yadav have also been granted bail by this Court by order dated 27.01.2021 passed in Cr Misc No 34003 of 2020. Co-accused Mirtunjay Yadav @ Mritunjay Yadav, Chhabu Yadav have been granted bail by this Court by order dated 23.12.2020 passed in Cr Misc No 35640 of 2020. Co-accused Pramod Yadav has been granted bail by this Court by order dated 20.05.2021 passed in Cr Misc No 505 of 2021. The petitioner, having no criminal antecedent, has been implicated in this case on extraneous considerations. The primary dispute was with Dilip Yadav and other persons who have threatened her earlier. Under such circumstances, petitioner is in custody since 22.09.2020 which, as per petitioner's counsel, has wrongly been stated as 22.09.2019 in paragraph 1 of the petition due to typographical error.

Learned counsel for the informant and the learned APP for the State have opposed the prayer for bail. It is submitted



that the petitioner has been named in the FIR. .

Considering the aforesaid, 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 Chief Judicial Magistrate, Banka in connection with Bandhua Kuruba PS Case No 29 of 2020 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)

M.E.H./-

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