

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3530 of 2021**

Arising Out of PS. Case No.-102 Year-2020 Thana- LAUKAHI District- Madhubani

BIMLESH YADAV SON OF KAPAL YADAV RESIDENT OF VILLAGE-
KARHARI, P.S. LAUKAHI, DISTRICT- MADHUBANI

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms.Namrata Mishra,Advocate

For the State : Mr.Nityanand Tiwary,APP

For the Informant : Mr.Arvind Kumar Singh,Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 09-07-2021 Heard learned counsel for the petitioner, learned counsel
for the informant and Mr. Nityanand Tiwary, learned APP for the
State.

The petitioner in the present case is seeking regular bail in
connection with Laukahi P.S. Case No. 102 of 2020 corresponding to
G.R. No. 1003 of 2002 registered for the offences punishable under
Section 302 of the Indian Penal Code.

Ms. Namrata Mishra, learned counsel for the petitioner
submits that in fact it is an unfortunate case in which the wife and
husband quarreled on purchase of a piece of soap, the wife went to
her maika which is in the same village where the husband reached
allegedly with six months old child and while the quarrel was taking
place, in rage the husband threw the six months old child on the earth
as a result whereof the child died.

Learned counsel submits that in fact the child was in the



hand of his mother and in course of quarrel he slipped out of the hand and fell down on the earth. Learned counsel submits that now the petitioner as well as the informant have realised their mistake which led to this unfortunate occurrence and at this stage they want to live together and settle their life in the interest of three other children who are all minor.

Learned counsel for the informant supports the version of learned counsel for the petitioner.

Learned APP for the State has though opposed the prayer for bail of the petitioner, considering the facts and circumstances of the case, the nature of happening and the occurrence leading to death of the infant, the petitioner has remained in jail for over one year in connection with this case, investigation against him is complete but the trial is not likely to take place in near future, further now the informant and the petitioner want to settle in the interest of three other minor children, this Court is inclined to release the petitioner on bail.

Let the petitioner above named be released on bail on furnishing of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Jhanjharpur in connection with Laukahi P.S. Case No. 102 of 2020 corresponding to G.R. No. 1003 of 2002, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:



(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During the Pandemic Period'.

