

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30505 of 2021

Arising Out of PS. Case No.-271 Year-2020 Thana- RAJAON District- Banka

MIRTUNJAY YADAV Son of Bhairo Yadav Resident of Village- Navtolia,
P.S.- Rajoun, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 03-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Rajoun P.S. Case No. 271 of 2020 registered for the offence
punishable under Sections 279, 304(A) of the Indian Penal Code
1860. Subsequently, Sections 302 and 201/34 of the Indian
Penal Code were added.

The allegation, as per the First Information Report, is
that on 16.7.2020 at about 5:30 AM the husband of the
informant who was a constable, was going to report in Bhojpur
District Force on his Motorcycle, but on the way near Nariya
More (Rajoun), he was knocked down by unknown vehicle, due
to which, he sustained injury and died.

Learned counsel for the petitioner submits that from



perusal of the First Information Report, it is evident that the husband of the informant had met with an accident, due to which, he died, but in subsequent statement, the informant has changed her earlier version and implicated the petitioner along with his brother Rikesh Yadav who is allegedly an assailant. The petitioner is in custody since 7.12.2020 having no criminal antecedent.

On the other hand, learned counsel for the State submits that during course of investigation, the confessional statement of the co-accused Rikesh Yadav was recorded, who in his statement, has disclosed that an altercation had taken place with the co-accused Rikesh Yadav and the deceased, due to which, Rikesh Yadav assaulted the deceased by means of iron rod, and even if the confessional statement of the co-accused is taken on its face value for the sake of argument, the petitioner is not the assailant of the deceased.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that during course of investigation, though the name of the petitioner transpired but not as an assailant and the petitioner had only helped his brother in shifting the dead body from one side of the road to other side of the road, he is in custody since



7.12.2020 having no criminal antecedent and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Rajoun P.S. Case No. 271 of 2020.

(Anil Kumar Sinha, J)

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