

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32659 of 2021

Arising Out of PS. Case No.-206 Year-2020 Thana- BELHAR District- Banka

CHOTE YADAV S/O GOPI YADAV RESIDENT OF VILLAGE
KHARONDHA, P.S.-BELHAR, DISTRICT-BANKA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyama Nand Thakur, Advocate.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 07-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with Belhar
P.S. Case No. 206 of 2020 registered for the offence punishable
under Sections 302/34 of the Indian Penal Code 1860.

The informant is the wife of the deceased who stated
in the First Information Report that she had gone to her
matrimonial home for some work and during her absence, the
petitioner along with other accused persons induced her husband
to consume liquor and after giving him over-dose of liquor, the
accused persons hanged the husband of the informant from the
roof.

Learned counsel for the petitioner submits that the
informant is not an eye witness, and based upon the information



received by her, she arrived in the village and lodged the present First Information Report, falsely implicating the petitioner and others. Learned counsel further submits that the fact of the matter is that the deceased had committed suicide by hanging himself, but with oblique motive and previous enmity, the petitioner has been dragged in this case. He also submits that similarly situated co-accused persons have been granted regular bail as well as anticipatory bail by co-ordinate Benches of this Court in Cr. Misc. 11041 of 2021 and 949 of 2021 respectively. He next submits that in the postmortem report, no sign of deceased having consumed liquor has been found. The petitioner is in custody since 22.01.2021 and charge sheet has already been submitted.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that similarly situated co-accused persons have been granted regular bail as well as anticipatory bail by co-ordinate Benches of this Court, postmortem report does not show the sign of liquor in the dead body whereas the allegation against the petitioner and others is that they induced the deceased to consume over-dose of the liquor, 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.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Belhar P.S. Case No. 206/2020 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 his related with the petitioner. The bailor will also undertake to inform the Court if there is any change inn 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.

(Anil Kumar Sinha, J)

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