

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25133 of 2022

Arising Out of PS. Case No.-313 Year-2020 Thana- SIRDALA District- Nawada

Pawan Yadav, S/o Puna Yadav Resident of Village- Chhotki Tetriya, P.S.-
Meskour, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-08-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Sirdalla (Meskaur) P.S. Case No.313/2020 instituted under
Sections 302, 201, 34 of the Indian Penal Code.

As per the FIR, the informant has stated that his son
had gone out to attend the call of nature. When he failed to
return, they started searching him and found him to be hanging
from a tree. He has further alleged that on previous day, his son
had arguments with named accuseds and they had threatened
him with dire consequences and has further alleged that they
have killed his son.

Learned counsel for the petitioner submits that only



on the basis of suspicion, all the accused persons have been implicated and a case of suicide has been turned into alleged murder only on the ground that a day before allegation is that the accused persons have threatened the informant's son, the deceased person. He further submits that the petitioner is in custody since 02.03.2022 (as stated in para-7 of the bail application), has no criminal antecedent and similar situate co-accused have since been released on bail vide Cr. Misc. No.24340 of 2021 (*Arjun Chouhan vs. The State of Bihar*), Cr. Misc. No.47730 of 2021 (*Mahesh Chouhan vs. The State of Bihar*).

Taking into account the fact that the petitioner has been made accused on the basis of informant's apprehension, charge-sheet has been submitted, is in custody since 02.03.2022, has no criminal antecedent and some of the co-accuseds have since been granted bail by co-ordinate Benches of this Court, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Sirdalla (Meskaur) P.S. Case No.313/2020 to the satisfaction of learned Additional Chief Judicial Magistrate, Vth, Nawada, subject to



following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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