

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33538 of 2021**

Arising Out of PS. Case No.-327 Year-2020 Thana- ATRI District- Gaya

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LALAN YADAV Son of Mr. Rajo Yadav Resident of Village- Jhaukal Bigha,
P.S.- Atri, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur, Advocate
For the informant/State	:	Mr. Sanjeev Kumar, Advocate
		Anil Kumar Singh No. 1, Advocate
		Mr. Vinod Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 23-02-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner seeks regular bail in connection with Atri
P.S. Case No. 327 of 2020 registered for the offence punishable
under Section 302 of the Indian Penal Code.

The prosecution case, as per the First Information
Report, is that the petitioner called the brother of the informant,
who used to irrigate the land through electric motor on payment
basis, for irrigation purpose where other accused persons had
already present and all the persons assaulted the brother of the
informant brutally with *lathi*, *danda*, *khanti* etc., due to which,
the brother of the informant died on the spot. The reason behind



the incident has been alleged that on 9.9.2020 the petitioner had threatened the deceased to kill him within two days and the occurrence had taken place just after two days i.e. on 11.9.2020.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to village rivalry and he has not committed any offence in the manner alleged. He further submits that veracity of the First Information Report is doubtful based upon the fact that if the petitioner had threatened the deceased about two days back of the occurrence i.e. on 9.9.2020 he would kill the deceased within two days, it does not stand to reason that the deceased would accompany the petitioner on the date of occurrence upon his call. He next submits that the fact of the matter is that the deceased met with an accident inasmuch as the deceased was a pump operator and the owner of the water pump which was being used for the purpose of irrigation, and the Doctor in the postmortem report has opined that the cause of death of the deceased is due to electrocution whereas the allegation against the petitioner and other is that they assaulted the deceased brutally by means of *lathi, danda* etc. The petitioner is in custody since 6.2.2021 and the charge sheet has already been submitted.

On the other hand, learned counsel for the informant



submits that during course of investigation, the eye witness, whose statement has been recorded in paragraph-21 of the case diary has stated that the petitioner was seen fleeing away by the witness from the place of occurrence.

Regards being had to the submission made by the parties and taking into consideration the nature of allegation and postmortem report which is not corroborating the allegation against the petitioner, 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 Additional Chief Judicial Magistrate XIII, Gaya, in connection with Atri P.S. Case No. 327 of 2020.

(Anil Kumar Sinha, J)

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