

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34275 of 2021

Arising Out of PS. Case No.-19 Year-2015 Thana- KATORIYA District- Banka

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UMESH YADAV S/O Tuleshwar Yadav Resident of Village - Kherkhutti, P.S.
- Jaipur, District - Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Adv.

For the Opposite Party/s : Mr. Uma Nath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 10-03-2022 Heard Mr. Rakesh Singh, learned counsel for the

petitioner and Mr. Uma Nath Mishra, Additional Public

Prosecutor for the State.

Petitioner seeks regular bail in connection with
Katoriya PS Case No. 19/2015 registered for the offence
punishable under Sections 302/34, 120(B) of the IPC and
Sections 3, 4, 5 of the Explosive Substance Act.

As per First Information Report, the informant got an
information on her cell-phone that some body has killed her
husband near tea-stall of one Kavita Devi by throwing bomb
upon him, she proceeded to the place of occurrence and found
her husband dead due to bomb injury. She has further stated that
one Arun Yadav due to previous enmity had attempted upon the
life of the informant's husband and has alleged that the
petitioner along with other accused persons have killed her



husband by throwing bomb upon him.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and the petitioner has got no criminal antecedent. He further submits that from perusal of the FIR, it would be evident that enmity of the informant's husband (deceased) was with Arun Yadav and not with the petitioner. He next submits that Kavita Devi, who happens to be the owner of the tea stall where bomb was hurled upon the husband of the informant, stated that the petitioner belongs to Babupur village and due to some confusion he has been arrested by the police. Brother of Kavita Devi who claims to be an eyewitness has disclosed the name of Arun Yadav, Binod Yadav and Bittu who threw the bomb upon the husband of the informant.

Learned counsel submits that similarly situated co-accused person, Chandan Yadav @ Chandan Kumar has been granted bail by a Co-ordinate Bench of this Court *vide* Cr. Misc. No. 20522/2015 and co-accused, Tarni Yadav has been granted bail by the court below itself. The petitioner is in custody since 10.02.2021.

Regards being had to the submissions made by the parties and taking into consideration the material on record and



the fact that similarly situated co-accused persons have been granted bail by a Bench of this Court and the court below respectively, petitioner is in custody since 10.02.2021 having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, UMESH YADAV be released on bail on furnishing bail bond 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 Katoriya PS Case No. 19/2015.

(Anil Kumar Sinha, J)

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