

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43040 of 2021

Arising Out of PS. Case No.-49 Year-2020 Thana- MANSAHI District- Katihar

Surja Yadav S/o- Late Sato Yadav R/o- Bishanpur, P.S. - Mansahi, Distt. -
Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Singh, Advocate
For the Informant	:	Mr. Bimal Kumar, Advocate
For the Opposite Party/s	:	Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-01-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and Shri Rabindra Kumar, learned
A.P.P. for the State through virtual court proceedings.

The petitioner seeks bail in connection with Mansahi
P.S. Case No. 49 of 2020 instituted for the offences under
Sections 302, 120(B) and 34 of the Indian Penal Code read with
Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 23.01.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that
informant in the F.I.R. alleges that accused persons surrounded
the petitioner and his wife and took her to the maize field and



chased the petitioner away and thereafter he heard sound of firing and when he went to the maize field, he saw his wife in an injured condition who had died and Lalu Yadav was seen fleeing with pistol. It is next alleged that few days ago petitioner had threatened his wife of dire consequences.

Learned counsel for the petitioner submits that the petitioner is not alleged to be seen fleeing with pistol or any other weapon rather the informant had seen Lalu Yadav fleeing with pistol as such presumption of murder, if any arises, it is against Lalu Yadav. Learned counsel further submits that co-accused Suresh Yadav has been granted bail vide order dated 26.07.2021 in Cr. Misc. No. 15058 of 2021 and co-accused Raju Yadav and Mantu Yadav have been granted bail by order dated 13.12.2021 in Cr. Misc. No. 31480 of 2021.

Learned counsel for the informant vehemently opposes the prayer for bail of the petitioner and submits that allegation against this petitioner is of active participation in the occurrence and also that he had threatened the wife of the petitioner few days before the occurrence but learned counsel for the informant is not able to meet the submission of learned counsel for the petitioner that co-accused have been granted bail by this Court.



Learned A.P.P. for the State also vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 23.01.2021, charge-sheet has been submitted in the case and the petitioner is a person with clean antecedent, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Katihar in connection with Mansahi P.S. Case No. 49 of 2020.

(Satyavrat Verma, J)

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