

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42832 of 2021

Arising Out of PS. Case No.-255 Year-2020 Thana- KHODAWANDPUR District- Begusarai

SHIV KUMAR YADAV Son of Ramashish Yadav @ Chatur Yadav Resident
of Village- Dumari Maheshpura Tola, Ward No.04, Police Station-
Khodawandpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 28-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner seeks regular bail in connection with
Khodawandpur P.S. Case No. 255 of 2020, for the offence
punishable under Section 328 and 302/34 of the Indian Penal
Code.

The prosecution case, in brief, is that the son of the
informant along with others had gone to take wine and poison
was administered to him. Thereafter, his dead body was
recovered hanging with a tree.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is innocent and he has falsely been



implicated in this case. There is no eye-witness of the occurrence. He further submits that similarly situated co-accused Ram Balak Yadav and Sunil Yadav have already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 25.10.2021 passed in Criminal Miscellaneous No. 30791 of 2021. The petitioner is in custody since 26.02.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case and taking into consideration the lack of direct material against the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Manjhaul, Begusarai in connection with Khodawandpur P.S. Case No. 255 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.



(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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