

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43619 of 2021

Arising Out of PS. Case No.-25 Year-2021 Thana- SUIYA District- Banka

JHARI YADAV@JHARU YADAV Son of Late Mishri Yadav Resident of
Village - Baijudih, P.S.- Katiria, Dist.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 02-02-2022 Heard the parties through video conferencing.

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, who is in custody since 09.06.2021,
seeks regular bail in connection with Suiya P.S. Case No. 25 of
2021, for the offence punishable under Section 302/34 of the
Indian Penal Code.

The prosecution case, in brief, is that on
24.03.2021, the informant Anita Devi, along with her son Ajay
Kumar, was grazing goat beside her house. It is further alleged
that the informant went her home for some urgent work leaving
along her child and when she returned, she saw that accused
Vinod Yadav, Tuniya Devi and Pintu Yadav were taking her son



toward well. The informant raised her voice upon which Bhagirath Yadav, Sintu Yadav and Lalita Devi came but, in the meantime, co-accused Vinod Yadav threw the informant's son into the well and, thereafter, all the said accused persons fled. It is further alleged that Sintu Yadav took the informant's son out of the well but even then the informant's son had died.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has committed no offence and there is no direct allegation against the petitioner. He further submits that there is specific allegation against co-accused Vinod Yadav, who threw the son of informant into the well. He further submits that petitioner was not present at the place of occurrence. The only allegation against the petitioner is that he had not constructed wall around the well due to this the alleged incidence took place. The petitioner has clean antecedent. He further submits that petitioner is senior citizen aged about 68 years and he is in custody since 09.06.2021 without any fault.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He further submits that after investigation, Chargesheet has already been submitted against the petitioner.



Considering the above mentioned facts and circumstances of the case, prima facie it appears that the petitioner has been made accused in the present case because he has not raised wall around the well, which is in his plot, and there is no such allegation against the petitioner that he along with other co-accused had cooperated in throwing the deceased in the well. This Court of the considered opinion that petitioner has made a case to be released on regular bail. The Court below is directed to enlarge the petitioner, above bail, on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Suiya P.S. Case No. 25 of 2021, 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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