

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50382 of 2021

Arising Out of PS. Case No.-283 Year-2020 Thana- TRIVENIGANJ District- Supaul

SHANDEO YADAV @ SHAMDEO YADAV Son of Late Chhutharu Yadav
Resident of Village - Karnpatti, W. No.- 14, P.S.- Tirveniganj, District -
Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prafull Chandra Thakur, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 08-02-2022 Heard Mr. Prafull Chandra Thakur, learned counsel
for the petitioner and Mr. Shailendra Kumar Singh, learned
Additional Public Prosecutor appearing for the State through
video conferencing.

Petitioner seeks regular bail in connection with
Triveniganj P.S. Case No. 283 of 2020 registered for the
offences punishable under Sections 326, 302, 120B/34 of the
Indian Penal Code 1860, Section 27 of the Arms Act, Sections 3,
4 and 5 of Witch Craft (Dian) Prohibition Act.

The allegation in nutshell is that the informant was
sleeping near the door and his wife was sleeping on verrandah
and on the hearing of sound of gun shot in the night, he rushed
there and found that his wife had sustained gun shot injury in



her head, due to which, she died on way to the hospital. The informant has given the names of accused persons who are the neighbours as suspects and has stated that they used to call the wife of the informant as witch (*Dian*).

Learned counsel for the petitioner submits that nobody has seen the occurrence and there is no eye witness to the same, and on account of suspicion only, the petitioner along with the neighbours and others have been made accused. He further submits that there is no specific allegation against the petitioner and he has got no criminal antecedent. He next submits that similarly situated co-accused person has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. 22063/2021, the petitioner is in custody since 22.4.2021 and charge sheet has already been submitted.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that similarly situated co-accused person has been granted bail by a co-ordinate Bench of this Court, the petitioner is in custody since 22.4.2021 and charge sheet has already been submitted, 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.10,000/-



(Ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM 1st, Supaul, in connection with Triveniganj P.S. Case No. 283/2020 subject to the following conditions:-

(i) that petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

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

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

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(Anil Kumar Sinha, J)

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