

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60016 of 2021**

Arising Out of PS. Case No.-166 Year-2018 Thana- MAHKAR District- Gaya

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Devanand Yadav @ Devanand Kumar Son of Mukhali Yadav Resident of
Village - Nadra, P.S.- Mahkar, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

4 04-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Mahkar
P.S. Case No. 166 of 2018 registered for the offence under
Sections 302, 201 and 120(B) of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.08.2020.



The allegation against the petitioner is to commit murder of his wife, in the background of the family dispute. Informant is the '*Bhabhi*' of the deceased.

Learned counsel appearing on behalf of the petitioner submitted that the informant is not the eye witness of the occurrence and implicate the present petitioner only in the background of the family dispute. It has been submitted that the deceased died in the course of her treatment and allegation, as regard to assault and concealing the dead body, is without any basis. It has been submitted that in the last two years, only single witness, namely, Rohit Kumar, who is the son of the deceased, has been examined before the Trial Court, as such, trial is not likely to be concluded in the near future and, moreover, the examined witness also supported the factum of illness of the deceased, who is the mother of examined witness. While concluding the argument, it has been submitted that petitioner is involved in three other criminal cases, out of which final form has been submitted in two cases.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the informant is not the eye witness of the occurrence.

Considering the facts and circumstances as mentioned



above, as informant is not the eye witness of the occurrence coupled with the fact that trial is not likely to be concluded in the near future, let the petitioner, above named, is directed to be released on bail in connection with Mahkar P.S. Case No. 166 of 2018 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-XII, Gaya, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.



(iii) That one of the bailors shall be
Laxmi Narayan Sudhanshu, who is the uncle
of the petitioner and deponent of the present
bail petition.”

(Chandra Shekhar Jha, J)

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