

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62020 of 2021

Arising Out of PS. Case No.-59 Year-2021 Thana- SALAKHUA District- Saharsa

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MOHAN KUMAR @ MOHAN KUMAR YADAV @ MOHAN YADAV S/o
Late Birbat Yadav Resident of Gobargarha, Tola Jarsain, P.S.- Saharsa,
District- Saharsa, At present R/o village- Priya Nagar, P.S.- Salkhua, (OP
Banama Itahari), District- Saharsa

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Adv.

For the Opposite Party/s : Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 16-05-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 302, 326 and
342 of the Indian Penal Code.

As per the prosecution case, it is stated by the informant
that he was informed by his co-villagers Pramod Kumar, Anil
Kumar Verma and Vinod Kumar Sinha on his two mobile
phones about the petitioner having assaulted his nephew Rajiv
Kumar Sinha with an *axe* and *dabiya* leading to serious injuries
and subsequent death on being taken to the hospital.

It is submitted by learned counsel for the petitioner
that the petitioner has been falsely implicated in the case. The
petitioner happens to be the son-in-law of the brother of the



informant having been married to the sister of the deceased Rajiv Kumar Sinha. It is submitted that while in the F.I.R. the informant states his source of information to be from Pramod Kumar, Anil Kumar Verma and Vinod Kumar Sinha, the statement of Anil Kumar Verma has not been recorded in course of investigation. Vinod Kumar Sinha in paragraph no.63 of the case diary states that he received information from Pramod Kumar. On the other hand, Pramod Kumar in paragraph no.64 states that he received information from Vinod Kumar Sinha. It is submitted that the petitioner has been falsely implicated because of his inter caste marriage and property dispute amongst the family members. He is in custody since 3.4.2021 and undertakes to cooperate in the trial. Chargesheet has been submitted in the case. He has no criminal antecedent.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the allegations against the petitioner, contents of the case diary specially paragraph nos.63 and 64 of the case diary, the petitioner having remained in custody for more than 1 year and not having any criminal antecedent, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no.169 of



2021 (arising out of Salkhua (Banama Itahari O.P.) P.S. Case no.59 of 2021) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Saharsa.

As the trial in the case has commenced, it is directed that the petitioner shall remain physically present in Court on each date of the trial and shall cooperate in the trial. In case the learned trial court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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