

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65677 of 2021

Arising Out of PS. Case No.-335 Year-2019 Thana- JHAJHA District- Jamui

JAI PRAKASH YADAV @ PRAKASH KUMAR YADAV Son of Chhoti
Yadav Resident of Village- Dharnana, P.S.- Jhajha, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-02-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Jhajha Police Station Case No. 335 of 2019, registered for the
offences punishable under Sections 147/148/149/447/302/201 of
the Indian Penal Code.

The prosecution case, as per the First Information
Report, is that the accused persons, 12/13 in numbers, having
lethal weapons in their hands, dragged the son of the informant
and accused nos. 2 to 5 caught hold his son and accused no. 1
was slitting his neck and when the informant objected, other
accused persons (accused nos. 6 to 11) along with the brother-
in-law of accused no. 2 (the petitioner) chased the informant
with intention to kill him, but somehow the informant saved



himself; whereas the son of the informant succumbed to the injuries.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to oblique motive. He further submits that he is not the brother-in-law of accused no. 2 and no overt act has been alleged against the petitioner by the informant. He further submits that the petitioner was not involved in the alleged killing of the son of the informant, which would be evident from the First Information Report itself and the only allegation is that the petitioner along with other accused persons (accused no. 6 to 11) attempted to assault the informant, but the informant did not receive any injury. He further submits that the petitioner is in custody since 10.01.2021, having no criminal antecedent and charge sheet has already been submitted against him and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that no overt act has been attributed to the petitioner, he is not the assailant, he is in custody since 10.01.2021, charge sheet has already been



submitted and there is no likelihood of the trial being concluded in near future due to pandemic, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Jamui, in connection with Jhajha Police Station Case No. 335 of 2019.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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