

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68226 of 2021

Arising Out of PS. Case No.-256 Year-2021 Thana- NAUBATPUR District- Patna

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LAL MOHAN YADAV Son of Late Bilash Yadav R/o Village - Ajwan
Bathani, P.S. - Naubatpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Patanjali Rishi, Advocate
		Mr. Ram Niwas Prasad, Advocate
For the Opposite Party/s	:	Mr. Abhay Kumar, APP
For the Informant	:	Mr. Ramadhar Shekhar, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 02-08-2022 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
Naubatpur P.S. Case No. 256 of 2021 registered for the offence
under Section 304 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 02.09.2021.

The allegation against the petitioner is to commit
murder of the husband of the informant by hitting through
motorcycle, with intention to cause death.

Learned counsel appearing on behalf of the petitioner



submitted that initially the FIR was lodged under Section 304 of the I.P.C., but after investigation, charge-sheet has been submitted against the petitioner, under Section 302 of the I.P.C., without having any incriminating circumstances, suggesting thereof that act of the petitioner was intentional. Learned counsel, pointed out Para-39 of the case diary, where independent witnesses supported the occurrence as accident, moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer of bail, fairly conceded that death was caused due to injuries received from motorcycle.

Considering the facts and circumstances as mentioned above, and also by taking the contradictory statement of witnesses as recorded under Section 161 of the Cr.P.C., disputing occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Naubatpur P.S. Case No. 256 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 learned A.C.J.M.-II, Danapur
(Patna)/concerned court, subject to the following conditions:

“(i) 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.

(ii) That one of the bailors shall be Resham Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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