

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7236 of 2023**

Arising Out of PS. Case No.-159 Year-2022 Thana- MAHARAJGANJ District- Siwan

Gautam Yadav S/o Late Shivnath Yadav @ Shiv Nath Rai R/o Village-
Bagauchha, P.S.- Maharajganj, Distt- Siwan, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Maharajganj P.S. Case No. 159 of 2022 dated 30.05.2022,
instituted for the offence punishable under Sections 279, 304, 307,
337, 338 of the Indian Penal Code.

3. The allegation against the petitioner is that on
28.05.2022 at about 07.30 hours, the informant saw that his agnate
Gautam Kumar exhorted his sons hit the female members upon
which Amit, Rahul and Rohit boarded the tractor. Amit started
driving the tractor and crushed the female members by tractor.
When the informant raised an alarm, the accused persons left the
tractor and ran away. Manglawati Devi was declared dead at the
hospital while others were seriously injured.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this



case. It is further submitted that informant is not an eye-witness to the occurrence. He further submits that the present case appears to be one of accidental in nature whereas the informant has instituted the F.I.R. out of enticement and prior enmity with his agnates. Learned counsel for the petitioner further submits that F.I.R. has been instituted after a considerable delay of two days on 30.05.2022 while the alleged occurrence took place on 28.05.2022 and the inquest report and post-mortem report was also prepared on 28.05.2022. Since then no F.I.R. was lodged. Lastly, it has been submitted that the petitioner is in judicial custody since 18.07.2022 having no criminal antecedents. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has vehemently opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM – V, Siwan in Maharajganj P.S. Case No. 159 of 2022.

(Khatim Reza, J)

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