

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14125 of 2023

Arising Out of PS. Case No.-368 Year-2020 Thana- UDAKISHUNGANJ District-
Madhepura

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CHHOTU YADAV @ PRABHASH KUMAR Son of Shyam Kishor @
Shyamal Kishor Yadav R/V- Rampur Khora Ward no. 11, P.S- Udakishunganj,
Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Viveka Nand Singh, Advocate.

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 19-04-2023 Heard Mr. Viveka Nand Singh, learned counsel for

the petitioner and Mr. Madhura Nand Jha, learned Additional

Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Sessions Trial No. 74 of 2022 arising out of Uda-Kishunganj
P.S. Cae No. 368 of 2020 dated 30.11.2020 registered for the
offences punishable under Sections 147, 148, 149, 341, 323,
324, 307 and 302 of the Indian Penal Code.

This is second attempt for grant of regular bail on
behalf of the petitioner inasmuch as earlier the bail application
of the petitioner was rejected by this Court vide order dated
10.02.2022 passed in Cr. Misc. 61030 of 2021 with liberty to
renew his prayer for grant of regular bail after one year.



As per the First Information Report, the petitioner assaulted the younger brother of the informant on his head by means of back side of the spade, due to which, he died.

Learned counsel for the petitioner submits that both the parties are neighbours and there was dispute between them on the point of cutting of ridge. He further submits that scuffle had taken place between both the parties and persons from the side of the petitioner also sustained injuries. He next submits that the petitioner was not having any intention to kill the younger brother of the informant rather incident has taken place in spur of the moment. The petitioner is in custody since 8.1.2021 having no criminal antecedent.

This Court vide order dated 15.03.2023 had called for a report from the trial court regarding stage of trial and in pursuance thereof, the report of learned In-charge ADJ-VIII, Madhepura, dated 25.3.2023, is on record and from perusal of the same, it transpires that out of nine witnesses, two have been examined and cross-examined by the prosecution and the trial court has given the estimated time of six months for conclusion of trial.

Having regard to the submissions made by the parties and taking into consideration the fact that the petitioner has got



no criminal antecedent, both the parties are neighbours, there was dispute pertaining to land between them and the petitioner is in custody since 8.1.2021, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VIII, Madhepura, in connection with Sessions Trial No. 74 of 2022 arising out of Uda Kishunganj P.S. Case No. 368 of 2020 subject to the condition that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

(Anil Kumar Sinha, J)

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