

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22415 of 2022

Arising Out of PS. Case No.-448 Year-2021 Thana- MAJHAULIA District- West Champaran

DHORAI YADAV @ DHORHAI YADAV, Son of Shiv Yadav, Resident of
village - Gudara Bintoli Ward No.- 01, P.S.- Majhulia, District - West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 09-01-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Majhulia
P.S. Case No. 448 of 2021 registered for the offence punishable
under Sections 302, 120(B) and 34 of the Indian Penal Code.

Informant's mother has been stabbed in her abdomen, as
per allegation, while she was sleeping in the night.

Learned counsel for the petitioner submits that the
petitioner has been made a named accused along with 5 others. The
allegation itself is self-contradictory inasmuch as it states that the
perpetrators were running with their faces covered, however,
petitioner along with others have been made named accused. The
implication is based on subsisting dispute between the parties and the
fact that some altercation had taken place between the family
members of the deceased and the petitioner one day prior to the
alleged occurrence. The petitioner is in custody since 27.02.2022.



The other accused persons namely Vishun Yadav, Karan Yadav and Lalbihari Kumar Yadav have been allowed anticipatory bail on 30.11.2022 in *Cr. Misc. No. 23056 of 2022* and analogous case. Co-accused Shiv Yadav has been allowed bail in *Cr. Misc. No. 4195 of 2022*. The petitioner has one criminal antecedent, as per disclosure made in paragraph 3 of the bail application, in which he is on bail.

Learned APP for the State has opposed the prayer for bail. It is submitted that petitioner is named accused. He, however, is not in a position to deny the fact of grant of bail to other co-accused persons.

Considering the rival submissions, petitioner's claim based on parity, manner of his implication and custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

Prayer for bail of the petitioner is 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 the learned Chief Judicial Magistrate, Bettiah, District-West Champaran, in connection with Majhauria P. S. Case No. 448 of 2021, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel



would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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