

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41498 of 2023

Arising Out of PS. Case No.-260 Year-2022 Thana- BASANHI District- Saharsa

MANTA YADAV Son of Late Hari Yadav @ Late Hari Nandan Yadav
Resident of village - Tamkulha, P.S. - Basnahi, Distt. - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rashmi Jha, Advocate

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-07-2023 Heard Mrs. Rashmi Jha, learned counsel for the
petitioner and learned APP for the State.

The petitioner is an accused in connection with S.T.No. 140 of 2023 arising out of Basnahi P.S. Case No. 260 of 2022 registered for the offences under sections 302, 120(B) and 34 of the Indian Penal Code and section 27 of the Arms Act lodged on 22.12.2022 by the informant, Sulekha Devi.

As per the prosecution story, the lady heard the sound of gun fire came out only to see her husband bent on chair with gun shot injuries on his skull/head. He was taken to the hospital but succumbed to the injuries.

She alleged that one Nilesh Yadav had demanded ransom and as her husband refused to pay, he may be the person behind the killing. Accordingly, the FIR.



Subsequently, the said Nilesh Yadav was arrested and on his confession this petitioner came into custody.

It is the submission of the learned Counsel for the petitioner that he do not have any role to play and it is not the case of the prosecution that he ever demanded ransom. His last submission is that he is in custody since 01.02.2023 (as stated in paragraph 12 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail submitting that his name has come in the confessional statement.

Taking into account the aforesaid facts that the main allegation is against Nilesh Yadav and on his confession, the name of this petitioner cropped up, he is in custody since 01.02.2023 and ultimately will have to face the trial, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned District and Sessions Judge, Saharsa in connection with S.T.No. 140 of 2023 arising out of Basnahi P.S. Case No. 260 of 2022, subject to the following conditions:-

- (i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his
bona fide;

(ii) the petitioner shall appear on each and every date
before the Trial court and failure to do so for two consecutive
dates without plausible reason will entail cancellation of his bail
bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned
police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or
promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of his bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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