

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54021 of 2023

Arising Out of PS. Case No.-201 Year-2022 Thana- THAWE District- Gopalganj

MULAYAM YADAV S/O BRAHMA YADAV R/O VILLAGE- HARBASA,
PS. THAWE, DIST. GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gautam Kumar Yadav, Advocate
For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Thawe P.S. Case No.201 of 2022 instituted under Sections 302, 379/34 of the IPC lodged on 15.08.2022 by the informant Sandeep Kumar Kushwaha.

As per the prosecution story, the allegation is that the accused persons came with their tractor and asked for cement. When the father of the informant wanted payment of the earlier delivery of cement (Rs.70,000/-), they were assaulted. Allegation is that he was pulled and thrown and crushed under the wheels of the tractor. Accordingly, the FIR.

It is the case of the petitioner that there had been a scuffle between the parties, the petitioner wanted to leave the place, the deceased tried to snatch the keys of the tractor and in the process, fell down and the tractor moved over him which



resulted into unfortunate death.

It is his submission that an FIR vide Thawe P.S. Case No.205 of 2022 was lodged by the father of the petitioner stating the correct version. The last submission is that he is the order giver along with Bittu Yadav who has since been granted anticipatory bail. He had to withdraw his anticipatory bail because by the time it was taken up, he was arrested and is in custody since 20.05.2023 (para-20 of the petition).

Learned APP opposes the prayer for bail, but conceded that the similarly situate order giver, Bittu Yadav has been extended anticipatory bail by a coordinate bench in Cr. Misc. No.68453 of 2022.

Though this Court was not inclined to extend him privilege of bail considering the nature of allegation, taking into account the facts on record, the submission put forward by learned counsel for the petitioner, the period of custody as also that similar situate Bittu Yadav has been granted anticipatory bail, this Court is extending the same relief to him.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Thawe P.S. Case No.201 of 2022 to the satisfaction of learned Chief



Judicial Magistrate, Gopalganj, subject to 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 fortnight for next six months 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 the 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.

(Rajiv Roy, J)

Prakash Narayan

U		T	
---	--	---	--

