

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61272 of 2022

Arising Out of PS. Case No.-301 Year-2021 Thana- BELAGANJ District- Gaya

Sri Ram Yadav, male, aged about 30 yrs. S/O Mutor Yadav R/O Village-
Gobraha Tola Jehana, P.S- Belaganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar with Mr. Uday Pratap Singh,
Advocates

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-01-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Belaganj PS
Case No. 301 of 2021, dated 07-09-2021, registered for the offence
punishable under Sections 302 and 201/34 of the Indian Penal Code.

While informant's father had gone for purchasing Buffalo
along with the petitioner, he was carrying Rs. 42,000/. He has not
returned, whereafter, inquiries have been made by the informant the
next day. Five days after his father had left home, the instant First
Information Report (*for brevity FIR*) has been lodged.

Learned counsel for the petitioner submits that petitioner's
bona fides is evident from the fact that even as per the FIR, when the
informant was making inquiries on the next day, petitioner was at his
home and had truthfully intimated the informant that for sometime in
the night, his father was with him. There is no allegation that he was
forcibly taken away and the postmortem report shows that the doctor
has opined death due to drowning. It is a case of death by drowning,
as the informant's father was in the habit of consuming liquor. The
petitioner, without any antecedent is stated to be in



custody since 26.05.2022 and it is stated that the investigation is complete as charge has already been submitted.

The learned APP for the State has opposed the prayer.

Considering the rival submissions, nature of allegations, postmortem report, petitioner's period of custody and the clean antecedent of the petitioner, 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 Additional Chief Judicial Magistrate -II, Gaya, in connection with Belaganj PS Case No. 301 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.

(Madhuresh Prasad, J)

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