

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 73035 of 2023

Arising Out of PS. Case No.-171 Year-2023 Thana- PARAIYA District- Gaya

RAMASHHISH YADAV @ RAMASHHISH YADAV Son of Late Shivbrath
Yadav Resident of Village - Thakur Bigha, P.S.- Paraiya, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

For the Informant : Mr. Ram Sandesh Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-11-2023 Heard Mr. Krishna Pd. Singh, learned senior

counsel for the petitioner and Mr. Ram Sandesh Rai, learned

counsel for the informant as also the State.

2. The petitioner is in custody in connection with
Paraiya P.S. Case No. 171 of 2023 for the offence under sections
302/34 of the Indian Penal Code lodged on 17.04.2023 by the
informant, Satyendra Yadav.

3. As per the prosecution story, the allegation is that
due to land dispute, some scuffle took place whereafter all the
accused persons pushed the informant's grandfather and then
climbed on his body which caused his death. Accordingly, the
FIR.

4. Learned Senior Counsel for the petitioner submits
that a completely improbable story has been created/lodged
making allegation against the family members which includes
the two ladies of pushing the informant's grandfather and then



climbing on his body. He submits that the same is falsified by the fact that the police investigated the matter and subsequently, submitted the preliminary chargesheet under sections 304//34 of the IPC while keeping the further investigation open. He further submits that the post-mortem report also does not favour the accusations made in the FIR.

5. Learned counsel appearing for the informant, on the other hand, submits that lungs, liver, spleen, kidney as also the stomach of the deceased has been sent to the FSL, Patna for its report.

6. Prima-facie, the accusations seem serious but taking into account the post-mortem report as also the fact that initial investigation of the police points to scuffle which led to them filing preliminary chargesheet under section 304/34 of the IPC, the petitioner is in custody since 17.04.2023 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M., Gaya, in connection with Paraiya P.S. Case No. 171 of 2023 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/her 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 six months to mark his 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 his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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