

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2613 of 2024

Arising Out of PS. Case No.-242 Year-2020 Thana- HARNAUT District- Nalanda

Awadhesh Yadav Son of Late Satyanaryan Yadav Resident of village- Gogi
Par, P.S.- Harnaut, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 26-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 265 of 2021, arising out of Harnaut P.S. Case No. 242 of 2020, registered on 30.05.2020 for the alleged offences under Sections 147, 148, 149, 341, 447, 302, 506 of the Indian Penal Code.

3. As per prosecution case, in the wee hours of night, the informant heard alarm being raised by his brother, who was sleeping in the room, that his brother was being killed by this petitioner. When the informant and his family members reached at the spot they found the petitioner and other co-accused persons strangulating his brother, Satyendra Yadav. Three co-accused persons, armed with pistol, were guarding the door and



they threatened the informant not to come near the spot. After sometime the petitioner and co-accused persons left the place of occurrence.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. However, the prosecution story is not believable. Admittedly neither the informant nor any of his family members went inside the room as according to their own version they were forbidden by three co-accused persons who were armed with pistol so the informant is not an eye witness and despite that he has named the petitioner and other co-accused persons alleging specific act against them. Learned counsel further submits that the petitioner is agnate of the informant and there is dispute between them. Learned counsel further submits that the allegation is that the informant saw the petitioner strangulating his brother but the postmortem report shows cause of death was due to asphyxia caused by strangulation by thick rough long substance for which there is no allegation. Further, no motive has been assigned for the occurrence. The petitioner is in custody since 23.06.2021 and charge sheet has been submitted and there is no chance of early conclusion of trial. The petitioner is having criminal antecedent of one case and he is on bail in



that case.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the specific allegation against the petitioner is that he strangled the brother of the informant with the help of other co-accused persons. The witnesses examined during investigation have supported the prosecution version.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner and likely delay in conclusion of trial, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 5th, Nalanda at Biharsharif/concerned Court in connection with Sessions Trial No. 265 of 2021, arising out of Harnaut P.S. Case No. 242 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present



on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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