

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27458 of 2020

Arising Out of PS. Case No.-238 Year-2019 Thana- SULTANGANJ District- Bhagalpur

Mohan Yadav, Son of Hareram Yadav, Resident of Village - Shivnandanpur,
P.S.- Sultanganj, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 21-10-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Mr. Sanjay Kumar Sharma, learned APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with



Sultanganj P.S. Case No.238 of 2019 registered for the offence punishable under Sections 147, 148, 149, 302 of the Indian Penal Code and Section 27 of the Arms Act.

The informant has been informed by her elder brother-in-law that her son was done to death by accused Baby Yadav, Dulipari Manjhi, Chotu Manjhi, Nago Manjhi, Pankaj Manjhi and nephew of Jang Bahadur Manjhi.

Counsel for the petitioner submits that even as per the F.I.R., the informant has not alleged assault against the petitioner. The petitioner is only alleged to have called her son ten minutes prior to the occurrence. Petitioner is in custody since 01.10.2019 and it is stated that he bears no criminal antecedents. The post-mortem report also does not corroborate the manner of occurrence alleged in the F.I.R. The informant has lodged the F.I.R. on hearsay.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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 A.C.J.M., Bhaglapur, in connection with Sultanganj P.S. Case No.238 of 2019, 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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