

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22986 of 2019

Arising Out of PS. Case No.-113 Year-2007 Thana- PALIGANJ District- Patna

Surendra Yadav (Male aged about 40 years) Son of Dular Yadav, Resident of Village - Mahwalipur, P.S.- Paliganj, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Dubey, Adv.

For the Opposite Party/s : Mr.Indra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-06-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

The accusation is that in the evening of 28.06.2007, Raju Singh, the son of the informant, moved from his house to walk but did not return. In spite of hectic search, he could not be traced out. On the next morning, Chandeshwar Yadav alias Nanhak Yadav, informed the informant that his son Raju Singh is lying dead near Mahdeo Asthan and he was seen with Tuntun Singh. Thereafter, the informant reached there and found the dead body of his son Raju Singh sustaining injury.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner is not named in the FIR. In course of investigation, the witnesses Manoj Kumar and Nageshwar Singh, stated in their evidence, as detailed in paragraphs 24 and 25 of the case diary, that Raju Singh, the son of the informant, used to realize the money from the buses plying on the road, which was protested by Tuntun Singh, Raju Singh, Bendal Yadav, Srinivas Lohar alias Jachcha Lohar, Inder Yadav @ Indal Yadav and this petitioner. Except that, nothing has come against the petitioner in course of investigation. The police, on investigation, also submitted the Supplementary Chargesheet No. 159 of 2010 only against Tuntun Singh alias Baidnath Singh and Sri Niwas Lohar alias Jachcha Lohar, submitting the final form against the petitioner and Inder Yadav @ Indal Yadav, showing them innocent but due to protest petition filed by the informant, the cognizance of the offence was taken against the petitioner. The petitioner has no criminal antecedent. The petitioner is in custody since 11.12.2018.

The co-accused has been granted bail by this Hon'ble Court on 09.05.2019 in Cr. Misc. No. 9650 of 2019.

In the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of



the like amount each to the satisfaction of the learned S.D.J.M.,
Danapur in connection with Paliganj P.S. Case No. 113/2007,
subject to the following conditions:

(1) One of the bailors will be his own blood relative,
preferably, father, mother brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any
similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in
court on each and every date during trial and in the event of
failure on two consecutive dates without sufficient reasons, his
bail bonds shall be liable to be cancelled by the learned court
concerned.

(4) The petitioner shall co-operate with the
investigation, if not already concluded and make himself
available as and when so required and in case of failure, the
State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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