

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15483 of 2021

Arising Out of PS. Case No.-238 Year-2020 Thana- FALKA District- Katihar

SANTOSH KUMAR YADAV S/o Bipendra Yadav @ Bipin Yadav R/o
village- Pothia Sabda, P.S.- Falka (Pothia), District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Jha

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-07-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard both parties.

The petitioner seeks bail in Falka (Pothia) P.S. Case
No. 238 of 2020, registered for the offence punishable under
Sections 302/34 of the Indian Penal Code.

As per the prosecution case, FIR named accused
persons and two other associates are suspected to have
committed murder of the husband of informant.

It is submitted on behalf of the petitioner that
petitioner has falsely been implicated in this case. Petitioner is
non else than younger brother of deceased and there was no
enmity between them. Petitioner is not named in the FIR.
During course of investigation, name of this petitioner has come



in this case on suspicion, as this petitioner had threatened the deceased in past. Petitioner is in custody since 13.10.2020 having clean antecedent, as stated in para 3 of the petition.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged 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 Ist, Katihar in connection with Falka (Pothia) P.S. Case No. 238 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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