

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16394 of 2021

Arising Out of PS. Case No.-197 Year-2020 Thana- RAJGIR District- Nalanda

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Mahesh Yadav @ Mahesh Kumar Yadav aged about 25 years, (Male) son of
Baleshwer Yadav, Resident of village- Jatti, Bhagwanpur, Police Station-
Rajgir, District-Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

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Appearance :

For the Petitioner : Mr. Amresh Kumar Sinha Advocate

For the State : Ms. Meena Singh APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 15-09-2021 In view of the sudden resurgence of Covid-19 infection,
there is limited functioning of the High Court and, therefore, the
matter has been listed today for consideration through virtual
mode.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

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



Learned counsel for the petitioner, at the very outset, submits that @ Mahesh Kumar Yadav, due to typographical error has been omitted to be typed in the description of the petitioner on the petition. Petitioner's name may be read as Mahesh Yadav @ Mahesh Kumar Yadav.

The petitioner seeks bail in Rajgir PS Case No. 197 of 2020, instituted for the offence under Sections, 147,148, 149, 302 and 201 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is based on recovery of the dead bodies of two brothers of the informant after excavating the same on discovery of a stench. Suspicion has been cast against eight named accused persons, including the petitioner. Other than the suspicion, there is no material to connect the petitioner with the alleged occurrence. The petitioner was made accused in the year 2019 in one case under Sections 379 and 411 of the Indian Penal Code, in which case, he is already on bail. There is no direct or indirect material to connect the petitioner with the occurrence. He is in custody since 19.06.2020 and other co-accused, namely, Bipin Rajvanshi, Shankar Rajvanshi; Bablu Ravanshi, Munna Rajvanshi; Uday Rajvanshi and Santu Rajvanshi, similarly situated as the petitioner, have already been



enlarged on bail vide orders passed in Cr. Misc. Nos. 12751 of 2021, 9399 of 2021, 7224 of 2021 and 12186 of 2021 respectively.

The learned APP representing the State submits that he is one of the named accused persons. By making such submissions, the prayer for bail is opposed.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. 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 Chief Judicial Magistrate, Nalanda, Bihar Sharif, in connection with Rajgir PS Case No. 197 of 2020, 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.

(Madhuresh Prasad, J)

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