

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21397 of 2021**

Arising Out of PS. Case No.-91 Year-2020 Thana- MOKAMAH District- Patna

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1. RAMAYAN YADAV, Son of Harikant Yadav,
 2. Mohan Yadav, Son of Saina Yadav,
Both are Residents of Village-More Pachhim, P.S.-Mokama, District-Patna.
- Petitioners

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Braj Bhushan Mishra, Adv.
For the Opposite Party/s : Mr.Anant Kumar I, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 26-10-2021 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in a case registered for the offence punishable under Sections 363, 364, 302, 201, 120(B) and 34 of the Indian Penal Code.

Prosecution case, in brief, is that on 16.05.2020 his son Law Kumar aged about 24 years went from his house without saying anything and he did not come back uptill now. He searched to his son from his own source but nothing has traced thereafter, he has given written application at police station.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He submits that the petitioners are not named in the FIR, on the confessional statement of co-accused, namely, Chameli



Devi, who have been made accused in this case. There is no any incriminating articles has been recovered from the conscious possession of the petitioners.

Learned counsel for the petitioners further submits that there is no eye witness in this case. In para 99 of the case diary the dead body of the deceased has not been recovered till date. The petitioners are languishing in judicial custody since 22.08.2020. The petitioners have got no criminal antecedent which is mentioned in para 3 of the bail petition. Charge sheet has been submitted in this case.

Learned APP for the State vehemently opposed the prayer for bail application.

Considering the aforesaid facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each in connection with Moakama P.S. Case No. 91/2020 to the satisfaction of learned Court below where the case is pending/ successor Court; subject to the following conditions:

(1) that one of the bailors will be a close relative of the petitioners, who will be given an affidavit giving genealogy as to how they are related with the petitioners. They



will also undertake to inform the Court if there is any change in the address of the petitioners.

(2) that the bailor shall also state on affidavit that they will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioners will be well represented on each and every date fixed in the case and if they fail to do so on two consecutive dates their bail bonds will be liable to be cancelled.

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

(5) that the petitioners will mark their attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of their bail bond.

(Anjani Kumar Sharan, J)

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