

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23171 of 2021

Arising Out of PS. Case No.-50 Year-2020 Thana- IMADPUR District- Bhojpur

Nand Bihari Yadav, S/o Jugeshwar Yadav, R/o Village-West, English, P.S. Imadpur, District Bhojpur, Ara.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Malti Kumari, Advocate
For the Opposite Party/s	:	Mr. Kamala Kant Upadhyay Mr. Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-10-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in Imadpur P.S. Case No.50 of 2020, registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

The informant, mother of the deceased, alleged that on 19.07.2020 at 7.00 pm, the deceased, son of the informant, went outside his house after taking mobile of his bhabhi along with one Abhay Kumar Singh but he did not return. On the next day, the dead body of the son of the informant was found hanging with a tree.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the



present case. The petitioner is not named in the FIR. On the confessional statement of the co-accused, Abhay Kumar Singh, the petitioner is made accused in the present case. It is further submitted that there is no eye witness to the alleged occurrence. It is submitted that other similarly situated co-accused persons have been granted bail by difference co-ordinate Benches of this Court vide order dated 02.09.2021, passed in Cr. Misc. No.12851 of 2021 and order dated 23.08.2021, passed in Cr. Misc. No.11830 of 2021. It is lastly submitted that the petitioner is in custody since 22.08.2020 and he has got six criminal antecedents as stated in paragraph 3 of the bail petition.

Having considered the fact that other co-accused persons have been granted bail by different co-ordinate Benches of this Court, let petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bhojpur at Ara in connection with Imadpur P.S. Case No.50 of 2020, subject to the 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. He 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 and every date fixed in the case and if he fails to do so on two consecutive dates, his bail bonds shall be liable to the cancelled.

(iii) That the petitioner will mark his attendance in the local police station in the first week of every month till conclusion of the trial, failing which the prosecution will be at liberty to move for cancellation of his bail bond.

(iv) That the bailors shall also state on affidavit that he will inform the court concerned if the petitioner is implicated in any other case of similar nature after his 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.

(Anjani Kumar Sharan, J.)

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