

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)**

CRIMINAL MISCELLANEOUS No.38763 of 2020

Arising Out of PS. Case No.-95 Year-2020 Thana- JHAJHA District- Jamui

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1. BINOD YADAV SON OF DHANESHWAR YADAV RESIDENT OF VILLAGE - BHITHRA, POLICE STATION - SONO, DISTRICT - JAMUI
 2. PRAMOD YADAV SON OF BINOD YADAV RESIDENT OF VILLAGE - BHITHRA, POLICE STATION - SONO, DISTRICT - JAMUI

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mukul Jee,Advocate

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

For the Informant : Mr. Satya Prakash Parasar,Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 14-07-2021 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Jhajha P.S. Case No. 95 of 2020 registered for the offences punishable under Sections 364, 365, 302, 201, 120B of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the prosecution story, the husband of the informant had gone to Basmatta at 12:00 A.M. Thereafter at 01:00 A.M. he called the informant that he is returning but he did not return.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case on mere suspicion. It is submitted that there is no eye witness who have seen these petitioners with the husband of the informant. The petitioners are in custody since 10.06.2020 and 11.06.2020 respectively having no criminal antecedent.

Learned counsel for the informant and learned APP for the State have opposed the regular bail of the petitioners.

Having regard to the facts and circumstances of the case wherein this Court has noticed that the petitioners are not named in the First Information Report, subsequently their names have been mentioned by the informant in her statement under Section 164 Cr.P.C. which was recorded after more than a month, there is no witness on the point that the deceased was seen with these petitioners on the alleged date of occurrence, learned counsel for the informant has tried to impress upon this Court that it is a case in which these petitioners have played a role as conspirators, since they have a motive behind grabbing the property of the informant, the further submission that co-accused similarly situated in this case whose mobile connections were found in the CDR of the deceased, namely, Anil Tuddu and Brij Lal Tuddu have been granted bail by a learned Co-ordinate Bench of this court in Cri. Misc. No. 5073 of 2021, the



petitioner has otherwise no criminal antecedent and has remained in custody in connection with this case since 10.06.2020 and 11.06.2020 respectively, this Court directs release of the petitioners above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Jhajha P.S. Case No. 95 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

