

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.342 of 2021

Arising Out of PS. Case No.-15 Year-2019 Thana- BHADHWAR District- Gaya

1. NARESH YADAV Son of Murai Yadav Resident of Village - Harehi, P.S.- Bhadwar, Distt.- Gaya.
2. Sahdev Yadav Son of Shivnandan Yadav Resident of Village - Harahi, P.S.- Bhadwar, Distt.- Gaya.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-03-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners in the present case are seeking regular bail in connection with Bhadwar P.S. Case No. 15 of 2019 registered for the offences punishable under Sections 147, 148, 149, 302 and 120(B) of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the prosecution story on 22.09.2019 when the informant along with his father was returning from market, then the F.I.R.



named accused persons had taken the father of the informant towards Harhi Pahadi. The informant narrated the incident to the family members and they started searching for him but he was not traced. She got the information about the dead body of his father near the Harhi Pahadi.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is submitted that there is no specific allegation against these petitioners. The other co-accused have been granted privilege of bail by a learned coordinate Bench of this Court. Learned counsel submits that the petitioners have got no criminal antecedent and they are in custody since 02.07.2020.

Having regard to the facts and circumstances of the case, wherein it is the submission of the learned counsel for the petitioners that the petitioners have been named amongst the 11 persons who had allegedly taken away the father of the informant towards Harhi Pahadi, the submission being that the informant claims herself to be an eye witness but she did not report this to the police station on the same day, the dead body of the father of the informant was recovered on 23.09.2019 and only then the F.I.R. has been lodged in which several persons have been made accused, the accused similarly situated namely



Somar Yadav and Madan Yadav have been granted bail by a learned coordinate Bench of this Court in Cr. Mics. No. 620 of 2021 and some of the other co-accused have also been granted bail in this case, in the nature of the allegations and materials present before this Court, the petitioners having no criminal antecedent otherwise and learned A.P.P. for the State is not able to distinguish the case of the petitioners from the co-accused who have been granted privilege of bail, let the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned I/C J.M.-1st Class, Sherghati, Gaya in connection with Bhadwar P.S. Case No. 15 of 2019 subject to the condition 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 he is suspected, and

(c) that such person shall not directly or indirectly make any 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.

(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'.

