

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.225 of 2021

Arising Out of PS. Case No.-256 Year-2019 Thana- FATEHPUR District- Gaya

Rajesh Yadav @ Rajesh Kumar Son Of Vasudev Yadav Resident Of Aranya,
Tola - Kasiyadih, P.S. - Fatehpur, District - Gaya, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dayanand Singh, Advocate

For the Opposite Party/s : Mr. B. N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 26-03-2021 Learned counsel for the petitioner 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 petitioner and Mr. B. N. Pandey, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Fatehpur P.S. Case No. 256 of 2019 registered for the offences punishable under Sections 302 and 120B read with 34 of the Indian Penal Code and Section 27 of the Arms Act, 1959.

Learned counsel for the petitioner submits that the First Information Report has been lodged by the brother of the deceased in which he has named Ganesh Yadav and Dwarika Yadav as accused. In course of investigation, after about two months it is alleged by the wife and son of the accused Dwarika



Yadav that this petitioner had asked about whereabouts of the deceased while they were carrying paddy to their house on their way and a little while thereafter they heard the sound of firing and rushed to the place where the deceased was working and found the deceased dead and saw Rajesh Yadav (petitioner) and Shiv Kumar were running away from the field.

Learned counsel submits that the allegations made by the wife and son of the second accused is totally false and concocted after about two months.

Learned APP for the State having gone through the case diary does not controvert the submission of learned counsel for the petitioner.

Having regard to the facts and circumstances of the case, wherein this petitioner is not named in the FIR and his name has been taken by the son and wife of one of the named accused after two months, this Court directs release of the above-named petitioner on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. X, Gaya in connection with Fatehpur P.S. Case No. 256 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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'.

