

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63204 of 2021

Arising Out of PS. Case No.-97 Year-2021 Thana- BISHWAMBHARPUR District-
Gopalganj

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HARENDRA YADAV S/o Sri Brijraj Yadav Resident of Village - Khem
Matihiniya, P.S. - Bishambharpur, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harendra Prasad, Adv.

For the Opposite Party/s : Mr.Raj Ballabh Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-11-2021 This case has been taken up out of the turn on the

ground of death of mother of the petitioner, for which, a

mention slip has been filed at the instance of the petitioner,

which forms part of this petition at Flag-B.

Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding

in physical mode in normal course.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Bishambharpur P.S. Case No. 97 of 2021 registered for the

offence under Sections 364 and 34 of the Indian Penal Code.

The petitioner along with others are said to have



abducted the brother of the informant to kill him.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has not committed any offence. In fact, the entire prosecution is purely based on suspicion which is evident from the version of the F.I.R. itself. There is general and omnibus allegation against the petitioner and no specific case is made out against him. Moreover, the S.D.P.O, Gopalganj after inquiry submitted his supervision report stating that the petitioner was not found involved in the alleged occurrence. Charge-sheet has already been submitted in this case. The petitioner is rotting in judicial custody since 06.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-X, Gopalganj in connection with Bishambharpur P.S. Case No. 97 of 2021 subject to the following conditions:

(1) Petitioner shall co-operate in the trial and shall



be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

It is made clear that the bail bond of the petitioner shall be accepted by the learned court below only after ascertaining the fact that whether the mother of the petitioner has died or not through the local police station.

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(Rajesh Kumar Verma, J)

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