

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66454 of 2021

Arising Out of PS. Case No.-264 Year-2019 Thana- BODHGAYA District- Gaya

1. PRADEEP KUMAR YADAV SON OF BINDESHWAR YADAV
RESIDENT OF VILLAGE - AKURAHAWAN, PS- TANKUPPA
DISTRICT - GAYA
2. GORE LAL KUMAR @ GORE KUMAR @ GORO LAL YADAV @
PAYARE LAL SON OF NAGESHWAR YADAV RESIDENT OF
VILLAGE - AKURAHAWAN, PS- TANKUPPA DISTRICT - GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Durgesh Nandan
For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-12-2021 Heard the parties.

Learned counsel for the petitioners is directed to remove the defects as pointed out by the office within a period of four weeks. In the eventuality of non-removal of defects within the stipulated time, office will place the matter before the Bench.

The petitioners seek bail in connection with Bodh Gaya P.S. Case No.264 of 2019, registered for the offence punishable under Sections 302, 201/34 of the Indian Penal Code.

The prosecution case in short is that an unidentified dead body was found lying in the bank of river Paimar. It is alleged that murder has been committed at some other place and



thereafter, the dead body was thrown in the river bank. As such, FIR was lodged against the unknown persons.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have not committed any offence as alleged in the FIR. No offence as alleged has ever taken place. They have been falsely implicated in this case due to local village politics. They are not named in the FIR nor apprehended on the spot. There is no eye-witness to the alleged occurrence and only on suspicion, petitioners have been dragged in this case. The name of petitioners transpired in the case on the basis of confessional statement of the co-accused Bindeshwari Yadav, who has already been enlarged on bail by a co-ordinate Bench of this court vide order dated 27.09.2019 passed in Cr. Misc. No.59000 of 2019. No incriminating article has been recovered from the conscious physical possession of the petitioners. The petitioner no.1 has one criminal antecedent and petitioner no.2 has two criminal antecedent they are languishing in custody since 15.12.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five



Thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Gaya, in connection with Bodh Gaya P.S. Case No.264 of 2019, subject to the following conditions:

(1) One of the bailors of each petitioners will be own close relative of the petitioners who will give on affidavit genealogy as to how they are related to petitioners. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(2) The bailors shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioners shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioners shall co-operate with the investigation, if not already concluded and make himself



available and when so required and in case of failure, the State
shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

