

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2380 of 2022

In
CRIMINAL APPEAL (SJ) No.3938 of 2021

Arising Out of PS. Case No.-7 Year-2021 Thana- KHUTAUNA District- Madhubani

CHANDRASHEKHAR YADAV S/o Kameshwar Yadav R/o village-
Siktiyahi, P.S.- Khutauna, District- Madhubani Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagandeo Yadav, Advocate
For the State : Mr.Bhanu Pratap Singh, APP
For the Informant : Mr. Ram Narayan Mahto, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-08-2022 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.

A supplementary affidavit has been filed on behalf of the petitioner, which is kept on record.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections 341, 323, 354(B), 307, 306, 504, 506 of the IPC later on added Section 306 of IPC and Section 8 of POCSO Act and 3(I)(r)(s)3(2)(va) SC/ST Act.

Allegation against the petitioner is that he attempted to commit illegal act with the informant due to this she herself



burnt her body and during treatment she died.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR that the allegation against the petitioner is that he attempted to commit illegal act with the informant/victim due to that reason she herself burnt her body and during treatment she died. Further submits that there is no eye witness of the alleged occurrence and except the statement of the victim nothing has come during investigation against the petitioner. Further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 17.01.2021.

Learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner has poured the kerosene oil on the victim and set fire.

Learned counsel for the petitioner submits that there is nothing in the FIR. Further submits that another story developed during investigation.

Considering the aforesaid facts, let the petitioner,



above named, 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 Court below where the case is pending in connection with Khutauna P.S. Case No. 07 of 2021, G.R.No.08 of 2021, with 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 cancelled 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.

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.

(Rajesh Kumar Verma, J)

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