

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8975 of 2022

Arising Out of PS. Case No.-6 Year-2021 Thana- AAYAR District- Bhojpur

Vijay Yadav @ Vijay Kumar S/o Late Sudama Yadav R/o village- Baligaon,
P.S.- Ayar, District- Bhojpur (Ara) Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate.

For the Opposite Party/s : Mr. Ramchandra Singh, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 28-07-2022 Let the defect, if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Ayar P.S. Case No. 06 of 2021 lodged under Sections 363, 302
and 120 B of the Indian Penal Code.

As per the prosecution case, apprehension was made
by the informant that his nephew went to do Patvan work on the
field but not returned and he has shown his apprehension against
the petitioner and his brothers. On the basis of suspicion this
case has been lodged.

Case diary has also been called for in this case.

Learned counsel for the petitioner submits that name
of the petitioner has figured in this case by virtue of suspicion
raised by the informant himself, because there were a solid
discussion which takes place on two occasions between the

petitioner and his family with the deceased. Learned counsel for the petitioner further submits that in case diary also, only suspicion has been raised against the petitioner. He further submits that petitioner is in custody since 01.09.2021, chargesheet has already been filed and his antecedent is clean, therefore, bail may be granted to him.

Learned counsel for the State opposes the prayer for bail and submits that in Para-17 of the case diary, it transpires that the body of deceased (in view of the informant) has been recovered. He further raised the statement made in Paragraph 4, 5 and 6 of the case diary by which the witnesses have narrated about the discussion and threat which takes place between the deceased and the petitioner and his family members. Learned counsel for the state further submits that such threat indicates that there is every chance and every apprehension that petitioner and other persons have caused this offence.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-IInd Bhojpur, Ara, in connection with Ayar P.S. Case No. 06 of 2021, subject to the conditions as

laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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