

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14638 of 2022

Arising Out of PS. Case No.-166 Year-2019 Thana- TRIVENIGANJ District- Supaul

Dilip Yadav, Son of Bijendra Yadav, Resident of Village - Jadia, Ward no.16,
P.S.- Jadia, Distt.-Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 29-06-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Triveniganj P.S. Case No.166 of 2019 registered for the offence punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

On 01.03.2021, the petitioner's prayer for bail was rejected in Cr.Misc. No.39318 of 2020. While rejecting the prayer for bail, this Court had taken note of the submission advanced by the learned APP regarding the location of petitioner's mobile being in the vicinity, as per CDR. Also, there is some material to suggest that the victim's wife was having some illicit relation prior to her marriage.

Petitioner's counsel has submitted that the petitioner



has remained in custody for nearly two years. It is further submitted, referring to the case diary, which had been called for, that even the wife of the victim has not named the petitioner in her statement recorded before the police, though it is the prosecution case that she was on the motorcycle with the deceased (her husband) at the time of the assault. The one antecedents of the petitioner referred to, is a case lodged by his agnates.

The learned APP has reiterated the fact that CDR location of the petitioner has been found in the vicinity where the occurrence has taken place.

Considering the rival submissions and having regard to the period of custody, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Accordingly, 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 the learned Additional District & Sessions Judge-1st cum Special Judge, Supaul, in connection Sessions Trial No.173 of 2020 arising out of Triveniganj P.S. Case No.166 of 2019, subject to the following conditions:



- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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