

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25795 of 2021

Arising Out of PS. Case No.-5 Year-2020 Thana- CHANDRAMANDI District- Jamui

1. Ashok Yadav Son Of Late Janardhan Yadav
 2. Congress Yadav Son Of Shankar Yadav
- Both are R/O Village- Bhawandih, P.S.- Chandramandi, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Niranjan Parihar, Adv
For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-01-2022 Heard learned counsel for the petitioners, learned counsel for the informant as well as the learned A.P.P. for the State in virtual Court proceeding.

The petitioners seek bail in connection with Chandramandih P.S.Case No. 05 of 2020 registered for the offence under Sections 364,302,201,34 of the Indian Penal Code.

The prosecution case, in short, is that the informant, namely, Shital Yadav alleging therein that both the petitioners were teaching the family members of the informant. They have threatened for dire consequences. For which the informant also lodged a Sanha to the Court of S.D.O., Jamui. After that the petitioners have also given threatening to disappear his son. The



informant tried to find out but in vain. The informant believes that the petitioners kidnapped his son Rohit Kumar Yadav and committed his murder and disappeared his dead body.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. He further submits that it appears from the FIR itself that the date of occurrence as mentioned in the FIR was 09.08.2019 and the present FIR has been instituted on 06.01.2020. He further submits that the son of the informant has committed house trespass in the house of the petitioner and committed theft for which the Chandramandih P.S.Case No.125 of 2019 has been instituted against the son of the informant, due to this, the present FIR has been instituted by the informant. Petitioners are in custody since 28.12.2020.

Learned counsel for the informant as well as learned A.P.P. for the State have opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Jamui in



connection with Chandramandih P.S.Case No. 05 of 2020 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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