

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26842 of 2021

Arising Out of PS. Case No.-45 Year-2017 Thana- SONBERSA District- Saharsa

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Raju Yadav Son Of Ram Chandra Yadav R/O Village- Thengha Kanp, P.S-
Saur Bazar, Dist- Saharsa ... Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh,Adv

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-01-2022 Heard learned counsel for the petitioner and the

learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Sonbarsa
Raj P.S.Case No.45 of 2017(S.T.No.73 of 2018) registered for
the offence under Sections 302,120B and 34 of the Indian Penal
Code and Section 27 of the Arms Act.

The prosecution case, in short, is that on the date of
occurrence while the son of the informant was returning to his
house some unknown miscreants have killed him at Nawtoliya
main road near Shahpur village. The police brought the dead
body at Saharsa Sadar hospital where the informant identified
the dead body of his son. The informant has found some injury
on the neck of the deceased. The informant has raised suspicion
against this petitioner.

Learned counsel appearing for the petitioner submits
that the petitioner is not named in the FIR. He has falsely been



implicated in the present case. He further submits that the name of the petitioner has transpired only on the basis of the confessional statement of co-accused, namely, Mritunjay Yadav and Vikash Yadav. Thereafter, the petitioner himself confessed. Learned counsel for the petitioner submits that it appears from the postmortem report that the report shows that one external injury caused by firearm i.e. entry wound and exit wound. He further submits that co-accused, namely, Mritunjay Yadav, who is carrying 21 criminal cases, has been granted bail by a Coordinate Bench of this Court vide order dated 30.07.2019 in Cr. Misc. No.45694 of 2019 and the petitioner is in custody since 25.08.2017.

The report of the learned Trial Court would reveal that the case is still pending for prosecution evidence.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries ten more cases other than the present one.

Considering the aforesaid facts that the petitioner is in jail, in connection with this case, since 25.08.2017 and the investigation against him is completed, 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 Additional Sessions Judge 3rd, Saharsa in connection with Sonbarsa Raj P.S.Case No.45 of 2017(S.T.No.73 of 2018) 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.

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(Rajesh Kumar Verma, J)

