

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16910 of 2022

Arising Out of PS. Case No.-36 Year-2021 Thana- BAHERA District- Darbhanga

Lalbabu Yadav Son of Raghunandan Yadav Resident of Village - Benipur
Navtoliya, P.s.- Bahera, Distt.- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Harendra Prasad, Advocate
For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-07-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in custody in connection with S.T.
Case No. 233 of 2021 arising out of Bahera P.S. Case No. 36 of
2021 under section 302/34 of the Indian Penal Code.

As per prosecution story, the informant's son left
home but failed to return in the night. In the morning, upon
search, it came to knowledge that dead body of his son is lying
near the brick kiln of Ram Naresh. Upon reaching there, it was
found that blood was oozing from his head and a hand pump
was also lying there. He suspected that some one had killed his
son with the help of the hand pump. Later, his daughter-in-law



disclosed that when she had contacted the deceased in the previous evening he had told that he is outside of home and present with some people.

Learned counsel for the petitioner submits that he was the person who was present with the deceased and that was the basis that the informant accused him in the present case. He further submits that it is a case of last seen and no one has stated anything about him and/or his role in the killing. He further submits that despite he being innocent in the case, he is in jail since 2.3.2021.

Taking into account the fact that it is a case of last seen, the petitioner has not been named in the FIR, charge-sheet stands submitted and he is in jail since 2.3.2021(as stated in para-15 of the bail application), this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge-III, Benipur, Darbhanga, in connection with S.T. Case No. 233 of 2021 arising out of Bahera P.S. Case No. 36 of 2021 subject to the following conditions:



(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

