

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16696 of 2022

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

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Guru Yadav @ Guru Singh @ Kanhaiya Yadav Son Of Late Dev Yadav @
Dev Singh R/O Village- Baligaon, P.S.- Aayar, District- Bhojpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 363, 302, 201/34 of the
Indian Penal Code.

According to prosecution case, petitioner has been
suspected to be one of the accused persons who in league with
other accused persons killed the informant's nephew.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that in fact
petitioner is not named in the F.I.R. and the name of the
petitioner has been transpired during investigation. He further



submits that there is no eye witness of the alleged occurrence and only on the basis of suspicion the name of the petitioner transpired in the present case. He further submits that during investigation it has come in the case diary in para 41, 55, 56 and 57 that petitioner involved in the murder. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Bhuwan Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 06.12.2021 passed in Cr. Misc. No. 45202 of 2021 and another co-accused namely, Vijay Yadav @ Vijay Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 28.07.2022 passed in Cr. Misc. No.8975 of 2022. The petitioner is in custody since 17.12.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 Court below where the case is pending in connection with Aayar P.S. Case No. 06 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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.

(Rajesh Kumar Verma, J)

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