

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30886 of 2021

Arising Out of PS. Case No.-224 Year-2019 Thana- MURLIGANJ District- Madhepura

Dayanand Yadav Son of Dinesh Yadav Resident of Village - Sarsandi, P.S.-
Gwalpara, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sharda Nand Mishra
For the Opposite Party/s :	Mr. Anil Kumar, A.P.P. Mr Amarnath Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-01-2022 Heard learned counsel for the petitioner as well as

learned counsel for the informant and learned Additional Public

Prosecutor for the State in Virtual Court proceeding.

Let the defects, as pointed out by the office, be

removed within four weeks of start of normal functioning of the

physical court.

Petitioner seeks bail in connection with Murliganj P.S.

Case No. 224 of 2019 registered for the offences punishable

under Sections 302, 34 of the Indian Penal Code and Section 27

of Arms Act.

According to prosecution case, the father of the

informant namely Bisho Yadav was sleeping on Machan of his

Darwaja along with children's in the night informant heard the



sound of firing, he went on Darwaja, where his father was sleeping and seek to Krishna Mohan Yadav, Amar Yadav, Shyam Yadav and others were fleeing away, thereafter, informant went near his father Bisho Yadav and saw his father dead and his father received head injury and started bleeding from ear, nose and mouth and further alleged that his father Bisho Yadav having land dispute with Krishna Mohan Yadav @ Jhojhay Yadav and the father of the informant died due to receive injury on the head.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the F.I.R. itself there is no eye witnesses of the alleged occurrence and no specific allegation against the petitioner. He further submits that from the post mortem report dated 21.06.2019, only one injury of the firearm received on the head and he died. He further submits that land dispute is going on between the parties. It is further submitted that charge sheet has been submitted in this case. The petitioner is in custody since 21.03.2020.

The learned Additional Public Prosecutor opposed the prayer for bail, submitting that petitioner carries one criminal



antecedent.

Considering the aforesaid facts and circumstances as well as period of custody, 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 Chief Judicial Magistrate, Madhepura in connection with Murliganj P.S. Case No. 224 of 2019, 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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