

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24518 of 2022

Arising Out of PS. Case No.-304 Year-2020 Thana- BARAULI District- Gopalganj

1. Nagendra Yadav @ Nagendra Chaudhari Son of Sita Ram Yadav @ Sita Chaudhari Resident of Village - Kamalpur, P.S.- Barauli, District - Gopalganj.
2. Anita Devi Wife of Nagendra Yadav @ Nagendra Chaudhari Resident of Village - Kamalpur, P.S.- Barauli, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Setu Prateek, Adv.

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 10-11-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners seek regular bail in connection with Barauli P.S. Case No. 304 of 2020 lodged under Sections 363, 365 of the I.P.C. while Section 302 was added later on.

As per the prosecution case, it is stated by the informant that on 27.01.2020 at about 11:00 A.M., 2 persons came on a bike wearing helmet and after talking they sat his son on their bike and on late night when his son not returned then the informant informed in this regard to the police about the said

occurrence and F.I.R. has been lodged against unknown accused persons.

Learned counsel for the petitioners submit that petitioners are innocent and has committed no offence. Counsel submits that petitioners are the neighbours of the informant. Counsel submits that name of the petitioners have figured in the case during the course of investigation. It has come that the deceased was in continuous talk on mobile with the petitioner no. 2. Counsel further submits that the materials of relation between them are there in different paragraphs of the case diary. It has also come on the case diary that on mobile, they were in contact and, thereafter, the said mobile was switched off.

Learned counsel for the petitioners further submit that antecedent of the petitioners are clean and they are in custody since 20.12.2020. Counsel submits that they are ready to fulfill all the conditions whatsoever shall be imposed upon them. Counsel submits that charge has already been framed and relevant witnesses were already been examined but cogent material has not come till date.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently

opposes the prayer for bail and submits that after framing of charge, out of 9 witnesses, 7 witnesses have already been examined and summons is already been issued to other witnesses and, therefore, the bail may not be granted to them.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Gopalganj in connection with Barauli P.S. Case No. 304 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal

activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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