

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22845 of 2022

Arising Out of PS. Case No.-63 Year-2021 Thana- UDAKISHUNGANJ District- Madhepura

Gajendra Yadav @ Gajendra Kumar Yadav, S/o Late Mohan Yadav, R/o
village- Chharrapatti, P.S.- Udakishunganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Udakishunganj P.S. Case No. 63 of 2021 registered for the alleged offences under Sections 363, 364, 365, 120B/34 and 302 of the Indian Penal Code.

As per prosecution case, the informant was having dispute over property with her co-accused brother Sushil Yadav and in the backdrop of this dispute, the co-accused is alleged to have abducted the husband and the son of the informant and the informant showed her suspicion that they might have been killed by the co-accused. The petitioner is stated to be an



accomplice of the co-accused Sushil Yadav.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely on suspicion of the informant. From the FIR, it is clear that there is no specific allegation against this petitioner. The informant is not an eye-witness to the alleged occurrence. From the FIR, it is also obvious that allegations are general, vague and omnibus. This petitioner has got no concern either with the deceased or the co-accused Sushil Yadav. Furthermore, in the investigation, it has been found that the death of the husband of the informant was due to gunshot injuries, but there is no evidence against this petitioner that he fired the gunshot. Similarly, there is no evidence regarding abduction of the husband of the informant by this petitioner. The petitioner is in custody since 15.01.2022 and charge-sheet has been submitted. The co-accused, against whom there is specific allegation in the FIR namely Sushil Yadav, has been granted bail by a Co-ordinate Bench vide order dated 10.05.2022 passed in Cr. Misc. No. 62828 of 2021. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail

Having regard to the submissions made hereinabove and considering the fact that there is no specific allegation



against this petitioner and no material of substance and further considering the period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Madhepura in connection with Udakishunganj P.S. Case No. 63 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be Gaurav Kumar, son of the petitioner, who has sworn the affidavit in this case.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Rajnish/-

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

