

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22776 of 2022

Arising Out of PS. Case No.-121 Year-2017 Thana- MURLIGANJ District- Madhepura

1. Chandan Yadav @ Chandan Kumar Son Of Ramchandra Yadav @ Ramendra Yadav R/O Village- Tamaut, Parsa Ward No.-4, P.S.- Murliganj, District- Madhepura
2. Sushil Yadav @ Sushil Kumar Yadav Son Of Ramchandra Yadav @ Ramendra Yadav R/O Village- Tamaut, Parsa Ward No.-4, P.S.- Murliganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Adv.
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 05-09-2022 Let the defect, if any, be removed within two weeks from today.

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

The petitioners seek regular bail in connection with Murliganj P.S. Case No. 121 of 2017 lodged under Sections 302, 201 and 34 of the I.P.C.

As per the prosecution case, the informant has filed the present criminal case against 3-4 unknown persons. The informant has lodged an F.I.R. that he got information that dead body of unknown male has been recovered. He also reached there but no one has identified the dead body. Even then he

lodged the F.I.R. against unknown persons relating to the unknown dead body.

Learned counsel for the petitioners submit that the name of the petitioners have been figured in this case by virtue of the confessional statement of co-accused, namely, Radhakant Yadav. Learned counsel submits that there is a land dispute between him and Radhakant Yadav. It is due to this reason Radhakant Yadav intentionally took his name in his confessional statement. He submits that there is no material either in the F.I.R. or in the case diary against him. He further submits that in para 17, he has submitted that 4 accused persons have been granted bail by the Co-ordinate Bench of this Court on different dates. He further submits that in addition to that the Radhakant Yadav himself was also granted bail by the Co-ordinate Bench of this Court. He further submits that the petitioners are in custody since 01.01.2022, charge-sheet has already been filed in this case and they have clean antecedents. He further submits that 2 more persons also granted bail in this case by the Co-ordinate Bench of this Court vide order dated 06.07.2021, 20.06.2018 and 17.02.2018 in Cr. Misc. No. 10926 of 2021, Cr. Misc. No. 28906 of 2018 and Cr. Misc. No. 9424 of 2018 respectively.

Learned counsel for the State opposes the prayer for bail.

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 C.J.M. Madhepura in connection with Murliganj P.S. Case No. 121 of 2017, 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 resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation 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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