

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23056 of 2022

Arising Out of PS. Case No.-448 Year-2021 Thana- MAJHAULIA District- West Champaran

Vishun Yadav @ Bishun Yadav Son Of Late Sitaram Yadav R/O Village-
Gudara Bintoli Ward No.-01, P.S.- Majhauria, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 23830 of 2022

Arising Out of PS. Case No.-448 Year-2021 Thana- MAJHAULIA District- West Champaran

1. Karan Yadav Son Of Vishun Yadav R/O Village- Gudara Bintoli Ward No.-
01, P.S.- Majhauria, District- West Champaran.
2. Lalbihari Kumar Yadav Son Of Shiv Yadav R/O Village- Gudara Bintoli
Ward No.-01, P.S.- Majhauria, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 23056 of 2022)

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, A.P.P.

For the Informant : Mr. Siddhartha Prasad, Advocate
Mr. Om Prakash Kumar, Advocate

(In CRIMINAL MISCELLANEOUS No. 23830 of 2022)

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, A.P.P.

For the Informant : Mr. Siddhartha Prasad, Advocate
Mr. Om Prakash Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-11-2022 Heard learned counsel for the petitioners and learned
counsel for the informant as well as 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.



The petitioners apprehend their arrest in a case registered for the offences punishable under Section 302, 120(B)/34 of the Indian Penal Code.

According to prosecution case, in brief, is that the informant Krishna Kumar Yadav on 15.08.2021 when his mother Bhulani Devi had slept at bathan. On 16.08.2021 his mother shouted and on her shouting his grand father Sheo Shankar Yadav went there and saw that knife was stabbed in the abdomen of his mother Bhulani Devi and she was died. His grand father raised alarm, whereupon he along with his family members ran towards Bathan in the light of torch and saw petitioner and other accused persons named in the F.I.R. fleeing away towards their house by covering their face. In the evening of 15.08.2021 they had abused to his mother by addressing her dian and had given threat to kill her. The informant has further alleged that he has over faith that the petitioner and other accused persons have committed murder of his mother by stabbing knife.

Learned counsel for the petitioners submits that petitioner no.1 has one criminal antecedents and petitioner no.2 & 3 have clean antecedent and they have falsely been implicated in the present case only on the basis of suspicion. He further



submits that as per F.I.R. allegation against the petitioners that they have fled away from the place of occurrence and petitioners and his entire family members have been assaulted the informant of the present case but it is not clear that who has assaulted the deceased. He further submits that due to previous dispute the petitioners have been falsely implicated in the present case and during investigation no cogent material has come against these petitioners.

The learned counsel for the informant as well as learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioners and submits that petitioner no.1 carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Majhulia P.S. Case No. 448 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-



1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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