

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32454 of 2021

Arising Out of PS. Case No.-79 Year-2020 Thana- JAIPUR District- Banka

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BHARAT YADAV @ BUDHAN YADAV @ BHODHAN YADAV Son of
Suresh Yadav Resident of Village - Baijudih, P.S. - Rikhiya, District -
Deoghar (Jharkhand).

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bharat Lal

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-02-2022 Heard learned counsel for the petitioner 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 Jaipur P.S.
Case No. 79/ 2020 registered for the offences punishable under
Sections 302, 379, 201 of the IPC.

The prosecution case, in short, is that informant's
husband was teacher in Primary School, Tilaiya and on
23.11.2020 at 10:00 AM, he went to the school but did not come
to his house. On 25.11.2020 at about 8:00 AM, dead body of
informant's husband was found on Ghutiya Pahar. Villagers



stated that in the night of 23.11.2020 petitioner and deceased were seen eating and taking wine.

Learned counsel for the petitioner submits that petitioner has clean antecedent 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 there is no eye witness of the occurrence and petitioner is in custody since 10.02.2021.

The learned Additional Public Prosecutor on the basis of material on record as well as case diary submits that except the suspicion nothing has come during course of investigation. He further submits that medical evidence does not support the prosecution case.

Considering the aforesaid facts and circumstances, 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 Additional Chief Judicial Magistrate-1, Banka in connection with Jaipur P.S. Case No. 79/ 2020, subject to the following conditions:-

1. Both the bailors shall be the resident of territorial jurisdiction of the learned court below.
2. 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.

3. 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.

4. 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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