

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32445 of 2021**

Arising Out of PS. Case No.-15 Year-2019 Thana- BHADHWAR District- Gaya

=====

Gora Yadav @ Karesh Yadav @ Gaura Son of Late Bhuneshwar Yadav  
Resident of Village - Hadhi, P.S. Bhadwar, District -

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Sudhir Kumar Sinha

For the Opposite Party/s : Mr. Sangita Sharma, A.P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      09-02-2022                      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 Bhadwar P.S.  
  
Case No. 15 of 2019 registered for the offences punishable  
  
under Sections 147, 148, 149, 302, 120-B of the Indian Penal  
  
Code.

According to prosecution case, the informant is the  
  
daughter of Rekha Yadav (deceased) stating therein that she  
  
along with her father was coming hom from Sohrai Bazar  
  
Gumti. In the way near Bichali Tand, accused persons including



the petitioners forcibly took her father towards Hadhi Pahari. She came home and narrated the occurrence to her family members. There was darkness. In the night, she alongwith her family members went to search her father, but he was not traced. Next day in the morning, she got knowledge that dead body of her father is lying near Hadhi Pahari. On this information, she along with her family members went to Hadhi Pahari and saw that her father was murdered by means of Tangi.

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. He further submits that there is general and omnibus allegation against all the accused persons. He further submits that there is no specific allegation of the overt-act against the petitioner. It is further submitted that charge sheet has been submitted in this case. He further submits that similarly situated, co-accused, namely, Naresh Yadav and Somar Yadav have been granted bail by a co-ordinate Bench of this Court vide orders dated 09.03.2021 and 24.02.2021 passed in Cr. Misc. No. 342 of 2021 and Cr. Misc. 620 of 2021 and others co-accused namely Annach Yadav @ Anachha Yadav and Pravesh Yadav have been granted bail by a co-ordinate Bench of this Court vide orders



dated 25.03.2021 passed in Cr. Misc. No. 4830 of 2021 and order dated 24.03.2021 passed in Cr. Misc. No.4877 of 2021. The petitioner is in custody since 27.10.2021.

The learned Additional Public Prosecutor vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances as well as period of custody, 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 Judicial Magistrate, 1<sup>st</sup> Class, Sherghati (Gaya) in connection with Bhadwar P.S. Case No. 15 of 2019, subject to the following conditions:-

1. 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.

2. 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.



3. 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)**

mdrashid/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

