

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38713 of 2021

Arising Out of PS. Case No.-517 Year-2020 Thana- BARHARA District- Bhojpur

Sukan Yadav Son of Sheo Jatan Yadav Resident of Village - Babhangawa,
P.S.- Barhara (Krishnagar), District - Bhojpur at Ara.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shankar Kumar, Advocate
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, A.P.P.
For the Informant	:	Ms. Mayuri, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 10-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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 Barhara (Krishnagar) P.S. Case No. 517 of 2020 registered for the offences punishable under Section 365 of the Indian Penal Code.

According to prosecution case, the petitioner and others are said to have committed murder of the uncle of the informant.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has



falsely been implicated in the present case only on the basis of suspicion. Save and except the suspicion, no cogent material has come against the petitioner during course of investigation. He further submits that the victim was a renowned criminal and more than 8 criminal cases were pending against him. The petitioner has been implicated in this case only due to previous enmity. He further submits that after investigation police has submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Jiuat Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 22.02.2022 passed in Cr. Misc. No. 36195 of 2021. The petitioner is in custody since 09.03.2021.

The learned counsel for the informant as well as Additional Public Prosecutor has vehemently opposed the prayer for bail and submits that the petitioner is named in the F.I.R. and according to the F.I.R. the petitioner has actively participated in the occurrence as alleged in the F.I.R. She also submits that the petitioner carries one more case other than the present one.

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 Chief Judicial Magistrate, Bhojpur at Ara in connection with Barhara (Krishnagar) P.S. Case No. 517 of 2020, 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)

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