

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40203 of 2021

Arising Out of PS. Case No.-26 Year-2021 Thana- ALIPUR District- Gaya

1. RAJ KUMAR YADAV Son of Mithilesh Prasad @ Aklesh Yadav @ Mithilesh Yadav Resident of Village - Akbarpur, P.S.- Alipur, District - Gaya (Bihar)
2. Upendra Yadav @ Upendra Kumar Son of Mithilesh Prasad @ Aklesh Yadav @ Mithilesh Yadav Resident of Village - Akbarpur, P.S.- Alipur, District - Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Kumar Jain
		Mr. Ravi Bhushan
For the Opposite Party/s	:	Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-03-2022 Heard learned counsel for the petitioners 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.

Petitioners seek bail in connection with Alipur P.S. Case No. 26 of 2021 registered for the offences punishable under Sections 302, 201/34 of the IPC.

As per FIR, allegation against the petitioners is that they along with other accused persons harassed and threatened the informant's sister and killed her for non fulfilling the dowry



demand and also disappeared the dead body.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that in fact, the petitioners are distant relative of husband of the deceased. He further submits that it appears from the FIR that there is no specific allegation against the petitioners rather there is general and omnibus allegation against them. He further submits that police after investigation submitted charge sheet against the petitioners and other co-accused persons and the petitioners are in custody since 19.02.2021.

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

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on 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 Chief Judicial Magistrate, Gaya in connection with Alipur P.S. Case No. 26 of 2021, subject to 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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