

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40673 of 2021

Arising Out of PS. Case No.-126 Year-2020 Thana- ARIYARI District- Sheikhpura

BIJAY YADAV Son of Yogendra Yadav Resident of Village- Chandi, P.S.-
Ariyari (Kasar O.P.), District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-02-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Ariyari (Kasar O.P.) P.S. Case No. 126 of 2020 registered for the offence under Sections 302, 201 and 34 of the Indian Penal Code.

According to the F.I.R., the informant suspects that the petitioner along with other accused persons killed his niece and disposed of her dead body.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact, the petitioner



happens to be father of the deceased and there is no specific allegation of assault is attributed to the petitioner. No one has claimed to be the eye witness to the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. Moreover, the co-accused, namely, Rinku Devi, having more or less similar allegation, has already been granted bail by a co-ordinate Bench of this Court vide order dated 28.01.2022 passed in Cr. Misc. No. 30612 of 2021. The petitioner is rotting in judicial custody since 02.12.2020.

Learned A.P.P. for the State has fairly submitted that the no cogent material has come during course of investigation against the petitioner and merely on the basis of suspicion, name of this petitioner has surfaced in this case.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned C.J.M., Sheikhpura in connection with Ariyari (Kasar O.P.) P.S. Case No. 126 of 2020 with 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/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be canceled 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.

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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