

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33843 of 2022

Arising Out of PS. Case No.-454 Year-2020 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Dilip Yadav, son Of Late Ramchandra Yadav, Resident Of Village- Barari
(Kathal Bari), P.S.- Barari, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Kotwali (Barari) P.S. Case No.454 of 2020 registered for the
offences punishable under Sections 302, 120(B) and 34 of the
Indian Penal Code.

Allegedly, on the alleged date and time of the
occurrence the informant woke up on hearing a loud sound and
thereafter she saw her husband in bleeding condition and then
her other family members also woke up and all of them found



the informant's husband being dead at the place of occurrence. Further allegation is that informant's husband indulged in giving monetary help to the petitioner and some other persons and also indulged in sale and purchase of the lands and owing to some friction due to said transactions, the petitioner and co-accused persons always threatened the victim to face dire consequences and therefore her husband was murdered by this petitioner and co-accused persons.

The main submissions advanced by the learned counsel Mr. Brij Nandad Prasad for the petitioner are that the petitioner has clean antecedent, there is no eye witness of the alleged occurrence, the informant has merely raised suspicion against the petitioner and similarly situated three co-accused persons namely Kailash Yadav, Raju Yadav and Bhushan Yadav have been granted regular bail by a Co-ordinate Bench of this Court vide joint order passed in Cr. Misc. No.38736 of 2021, Cr. Misc. No.38891 of 2021 and Cr. Misc. No.56183 of 2021 respectively.

Learned APP Mr. Madhura Nand Jha appearing for the State has opposed the bail prayer.

In view of above submissions and considering the petitioner's custody period and mainly taking into account the



facts that the present case is based on the suspicion raised by the informant against this petitioner and co-accused persons and similarly situated three co-accused persons have been granted bail by a Co-ordinate Bench of this Court vide order passed in above-mentioned criminal miscellaneous cases and the petitioner has clean antecedent and against him there is no specific allegation in the FIR, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the 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 the concerned Court in connection with Kotwali (Barari) P.S. Case No.454 of 2020, on 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 below and shall remain physically present as directed by the Court below 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) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take strict action against him for cancellation of his bail bond.

(Shailendra Singh, J.)

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