

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34764 of 2022

Arising Out of PS. Case No.-63 Year-2021 Thana- BHITAHA District- West Champaran

1. Vanayee Yadav Son Of Jagdish Yadav R/O Village- Mudadih, P.S.- Bhitaha, District- West Champaran
2. Ramayan Yadav Son Of Jagdish Yadav R/O Village- Mudadih, P.S.- Bhitaha, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishwajeet Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 30-11-2022 Let the defect, if any, be removed within two weeks
from today.

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

The petitioners seek regular bail in connection with
Bhitaha P.S. Case No. 63 of 2020 lodged under Sections 302,
328, 34 of the I.P.C.

As per the prosecution case, the allegation against the
present petitioners has been made to provide poison to the
husband of the informant due to which he died.

Learned counsel for the petitioners submits that
petitioners are innocent and have committed no offence. From

the content of F.I.R. it transpires that the F.I.R. has been lodged on the basis of hearsay evidence. He further submits that in this case, case diary has been called for. In the case diary, paragraph-106, indicates that the deceased has disclosed only one name in this regard who has provided poison to him. Learned counsel further submits that petitioner No.1 is in custody since 03.02.2022 and Petitioner No.2 is in custody since 31.01.2022. Charge sheet has already been filed and there are one case pending against the petitioners in which they are on bail.

Learned counsel for the State opposes the prayer for bail and submits that in the F.I.R., the informant has disclosed the name of 6 persons including the present petitioners upon the information provided by her husband on mobile to his son. Learned counsel further submits that in Para-106 of the case diary, I.O. has put question from the deceased. He has informed about involvement of 4 persons but disclosed only one name.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM 1st, Bagaha, District- West Champaran in connection with Bhitaha P.S. Case No. 63 of

2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

prakashmani/-

U		T	
---	--	---	--