

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37290 of 2022

Arising Out of PS. Case No.-351 Year-2021 Thana- CHANDAUTI District- Gaya

Krishna Yadav Son Of Sidheshwar Yadav, Resident Of Village- Makarpur
Tola Guljar Bigha, P.S.- Makhdumpur, Distt.- Jehanabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Anand Kishore Choudhary, APP
For the Informant	:	Mr. Ashok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 17-11-2022 Let the defect, if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Chandauti P.S. Case No. 351 of 2021 lodged under Sections 302
and 201/34 of the I.P.C. read with Section 27 of the Arms Act.

As per prosecution case, there were 7 persons made
accused in this case and the informant has disclosed that her
husband went to Makhdumpur Bazar, upon call his phone was
switched off. On the next morning at 6 O'clock informant
received information that dead body of her husband is kept near
Nawada *Pool*. On the suspicion that there is a land dispute going
on with the petitioner and other named accused persons, case
has been filed against them.

Learned counsel for the petitioner submits that there is one criminal case pending against the petitioner in which he is on bail and petitioner is in custody since 26.11.2021. Counsel further submits that from the content of the F.I.R., it transpires that there is no eye-witness of this occurrence and case diary has been called for. Counsel further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court and charge sheet has already been filed.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that the petitioner along with other accused persons have committed the said crime as there was the land dispute but upon the specific query from counsel for the State that “is there any material except suspicion”. Counsel submits that there is no such material available on record against petitioner.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-3rd,

Gaya in connection with Chandauti P.S. Case No. 351 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner 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 an affidavit before the court about his relationship with the petitioner.

C. The petitioner 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.)

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