

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36827 of 2022

Arising Out of PS. Case No.-375 Year-2020 Thana- NOORSARAI District- Nalanda

Kavindra @ Kamindra Yadav @ Kamendra Yadav Son Of Late Shiv Balak
Gope Resident Of Village- Makanpur, P.S.- Noor Sarai Distt.- Nalanda
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-09-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Noor Sarai P.S. Case No.375 of 2020 instituted under
Sections 302, 201, 120B/34 of the Indian Penal Code.

As per the prosecution story, the lady informant has
alleged that named accused called her husband from the boring
whereafter he went missing. Her further allegation is that when
she inquired the matter from one of the co-accused, he informed
that they had left him at 9 O'clock. Next morning, police was
informed and ultimately his dead body was recovered from the
well. She accordingly lodged FIR in which amongst other



named this petitioner also as one of the suspect.

Learned counsel for the petitioner submits that the persons who were responsible for calling her husband have been named in the FIR and it was only after the recovery of the body from the well that while lodging the FIR, she has suspected this petitioner also as an accomplice.

Learned APP on the other hand, opposes the prayer for bail.

Taking into account the fact that specific allegation of calling the deceased husband of the informant has been made against accused namely Dayanand Yadav, Kalu Yadav, Sudarsan Kumar, Ajit Yadav, Roughan Kumar and Karu Kumar, this petitioner's name has come only as a suspect, is in custody since 21.04.2022, charge-sheet stands submitted and he do not have any criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Noor Sarai P.S. Case No.375 of 2020 to the satisfaction of learned Additional Chief Judicial Magistrate, VII, Biharsharif, subject to following conditions:



(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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