

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39573 of 2022

Arising Out of PS. Case No.-317 Year-2019 Thana- SHERGHATI District- Gaya

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DABLU YADAV @ DHANANJAY KUMAR Son of Ram Ishwar yadav
Resident of Village - Sonhathu, P.S.- Gurua, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shivendra Prasad,Advocate

For the Opposite Party/s : Mr.Rina Sinha,APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and learned

APP for the State through video conferencing in view of the

COVID 19.

Let the defect(s), if any, as pointed out by the office

be removed within four weeks.

The petitioner is an accused in connection with

Sherghati (Dobhi) P.S. Case No. 317 of 2019 under Sections

302, 201/34 of the Indian Penal Code and Section 237 of the

Arms Act.

As per the prosecution story, the accused along with

other accused named in FIR came at the house of informant and

took his son, namely, Radhey Kumar @ Mantu with them. Later

on dead body of Mantu Kumar was found. It has also been

alleged that accused persons shoot him and kept the dead body



near canal for hiding the evidence. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that the omnibus allegation against the accused person is of taking away the informant son with them whereafter, his dead body was recovered near a canal. It is his further submission that only because of last seen the accused persons including the petitioner herein has been implicated. Further, he is in custody since 01.04.2022 (as stated in paragraph-15 of the bail application). It has his last submission that similar situate co-accused Dinesh Yadav @ Dinesh Kumar Yadav, Surendra Yadav @ Raghu Yadav and Manoj Yadav has since granted bail vide Cr. Misc. No. 7233 of 2020, 9790 of 2021 and 28943 of 2021 respectively.

Mr. Bharat Bhushan, learned APP for the State, on the other hand, submits that the occurrence is of 2019 and the petitioner has chosen to walk into judicial custody in 2022 and considering his attitude, he does not deserve bail.

Considering the attitude of the petitioner that for an occurrence of 2019, he came into judicial custody in 2022, this Court at first stance was not inclined to grant him the privilege of bail. However, in view of the fact the similar situate other



co-accuseds have since been extended the privilege of bail as would reflect from Annexure-2 of the bail application, this Court is releasing him on bail with conditions considering the criminal antecedent that he carries.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned ACJM, 1st Sherghati, Gaya in connection with Sherghati (Dhobi) P.S. Case No. 317 of 2019, subject to the 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/her bail bond by the Trial court itself;

(iii) the petitioner shall leave the district (Gaya) for a period of three month(s) after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station concerned (where he will stay) every week to mark his attendance;

(iv) upon return to his district, he shall visit the



concerned police station every fortnight for the next six months to mark attendance;

(v) 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;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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