

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 40614 of 2022

Arising Out of PS. Case No.-104 Year-2022 Thana- CHOUTARWA District- West
Champaran

=====

PRAVESH YADAV S/O LATE BHIRAGU YADAV Resident of village- Jaini
Tola, P.S.- Bathuwariya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-10-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Chautarwa P.S. Case No. 104 of 2022 for the offences
under Section 302/34 of the Indian Penal Code.

As per the prosecution story, the informant-lady has
alleged that her husband has taken loan and had paid an amount
of Rs. 1,50,000/- to the petitioner herein amongst other but he
failed to return the same. It is further alleged that on the fateful
day, one Amit Rao took away her husband whereafter he was
traceless. Later, his dead body was found on the subsequent day



and the same was caused by sharp cutting weapon as well as by pressing his neck.

Learned counsel for the petitioner submits that in the present case, no one has seen the actual occurrence in the case. He has alleged to have taken the money from the deceased husband of the informant, he has been implicated in this case and as such at best, it can be a case of last seen. It is his further submission that without going into the merit of the case, since the lady has alleged that Rs. 1,50,000/- was given as a loan to him by her late husband, he is inclined to pay Rs. 1,50,000/- along with 10,000/- interest on it through a Demand Draft issued in her favour by local State Bank of India branch irrespective of the result of the case. He reiterates that it is a case of last seen, is in custody since 26.3.2022 (as stated in para 12 of the bail application).

Taking into account the fact that there is no eye-witness to the alleged occurrence, is in custody since 26.03.2022, he do not have criminal antecedent, charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail subject to payment of Rs. 1,60,000/- through Demand Draft issued by the local branch of State Bank of India to the informant namely, Mamta Devi, which same shall be



submitted before the learned Trial Court to be served upon the lady after checking her credentials (Adhar Card, Voter Card etc.).

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 Additional Chief Judicial Magistrate-1st, Bagaha, West Champaran, in connection with Chautarwa P.S. Case No. 104 of 2022 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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(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 the 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)

ajaysingh/Ravi-

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

