

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54901 of 2021**

Arising Out of PS. Case No.-511 Year-2019 Thana- KRITYANAND NAGAR District- Purnia

MADHAV MRINAL @ BADAL YADAV S/o Murlidhar Yadav R/o village-
Narayanpur, P.S.- Jankinagar, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Opposite Party/s : Mr. Renuka Ratnakar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 07-04-2022 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 324, 307, 385, 302 and 120/34 of the
Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, on the alleged date and
time of occurrence, the petitioner along with other FIR named
accused persons came at the brick kiln of informant and
committed the murder of brother of the informant. It is further
alleged that petitioner and others were demanding rangdari of
rupees Five Lacs and also pressurizing the informant to withdraw
the previous case lodged by him.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in



this case. He further submits that the petitioner has not been named in the F.I.R. but merely on the basis of confessional statement of the co-accused, Prabhash Kumar, he has been made accused in this case. He further submits that no cogent material has come during course of investigation against the petitioner. He further submits that, in fact, there is no eye witness to the alleged occurrence and neither the petitioner has been arrested from the spot nor anything incriminating has been recovered from the possession of the petitioner. Moreover, the co-accused, namely, Shankar Mehta @ Tikya @ Tikiya has already been granted bail by a co-ordinate Bench of this Court vide order dated 14.02.2022 passed in Cr. Misc. No. 32981 of 2021. Another co-accused, Prabhash Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 12.10.2020 passed in Cr. Misc. No. 20154 of 2020. The petitioner is rotting in judicial custody since 12.03.2020.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that charges in this case have been framed and the trial of the case is going on.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with K. Nagar (Maranga)



P.S. Case No. 511 of 2019 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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