

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43900 of 2022

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

1. DAYANAND YADAV SON OF KULDEEP YADAV R/O VILLAGE-MAKANPUR, P.S.- NOORSARAI, DISTRICT- NALANDA
2. INDRAJEET @ KALOO SON OF BINOD YADAV R/O VILLAGE-MAKANPUR, P.S.- NOORSARAI, DISTRICT- NALANDA
3. KAROO KUMAR SON OF SUNDER MAHTO R/O VILLAGE-MAKANPUR, P.S.- NOORSARAI, DISTRICT- NALANDA
4. AJIT YADAV SON OF BINOD YADAV R/O VILLAGE- MAKANPUR, P.S.- NOORSARAI, DISTRICT- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Adv.

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-11-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offence under Sections 302, 201, 120(B)/34 of the Indian Penal Code.

The husband of the informant is said to have been killed at the instance of the petitioners and the dead body of the deceased was found from the well near Devi Mandir.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits



that the petitioners have been made accused in this case merely on the basis of suspicion and no cogent material has surfaced against the petitioners during course of investigation. He further submits that the investigating officer of the case has submitted final form on 27.04.2021 in favour of the petitioners but the learned magistrate has erroneously taken cognizance under Sections 302, 201, 120(B)/34 of the Indian Penal Code against the petitioners in mechanical manner without appreciating the materials available on record. He further submits that there is no eye witness to the alleged occurrence. Hence, the petitioners may be granted the privilege of anticipatory bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners in the event of arrest of surrender before the court below within a period of four weeks from the date of order be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Noorsarai P.S. Case No. 375 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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