

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.47590 of 2022**

Arising Out of PS. Case No.-51 Year-2021 Thana- BIND District- Nalanda

Rajesh Yadav @ Rajesh Kumar S/o Vijay Yadav R/o- Vill- Nauranga, P.S.- Bind, Distt.- Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-12-2022 Learned counsel for the petitioner will remove all the defects as pointed out by office within two weeks from today.

Heard learned counsel for the petitioner and Mr. Lalan Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Bind P.S. Case No. 51 of 2021 registered for the offences punishable under Section 302, 201, 120(B)/34 of the Indian Penal Code. He is in custody since 25.04.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, on 23.04.2021 the informant got an information that the dead body of his son is lying near a boring in village Nouranga and when he reached there, he came to know that this petitioner in connivance with other co-accused persons killed the son of the informant.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is in custody in connection with this case since 25.04.2021 having no criminal antecedent.

Learned counsel submits that there is no specific allegation against this petitioner. It is further submitted that co-accused similarly situated namely Sanjay Yadav has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 66064 of 2021.

Mr. Lalan Kumar, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submissions that the petitioner and the informant both are friends and in this case, there is no specific allegation against the petitioner, charge has already been framed and two witnesses have been examined who have been declared hostile and co-accused similarly situated namely Sanjay Yadav has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 66064 of 2021, the petitioner is in custody since 25.04.2021 and there being no submission on behalf of the State that his release is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two



sureties of the like amount each to the satisfaction of learned 7th Additional District and Sessions Judge, Nalanda (Biharsharif) in connection with Bind P.S. Case No. 51 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the petitioner will regularly appear in course of trial and two consecutive defaults in putting appearance will lead to cancellation of bail bond of the petitioner.

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 steps 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.

This application is allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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