

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50669 of 2022

Arising Out of PS. Case No.-326 Year-2021 Thana- LAURIA District- West Champaran

BHIM YADAV S/o Bhageshwar Yadav R/o village- Padari, P.S.- Lauriya,
District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ansul, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-12-2022 Heard Mr. Ansul, learned counsel for the petitioner
and learned APP for the State in Virtual Court Proceeding.

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

The case is registered under sections 302, 201, 34
of the Indian Penal Code, in connection with Lauriya P.S. Case
No. 326 of 2021.

As per the prosecution story, the informant alleged
that his brother Suraj Kumar who is in the business of selling of
the bricks and later his mobile was found switched off. Further,
he got information that his brother was killed. He reached the
Lauriya police station, identified his brother as also the tractor
found there near it and lodge the FIR.



Learned counsel for the petitioner submits that the FIR was lodged against unknown. Investigation was conducted by the police and subsequently the name of Arvind Mishra cropped up. He was taken into custody and on his confessional statement, the name of other persons including the petitioner herein came up and he also surrendered on 1.6.20022 (as stated in para-18 of the bail application) and his in jail since then.

Learned counsel submits that simply because he has criminal antecedent, he has been implicated in this case and the confession before the police has little meaning. His last submission is that one co-accused Rajan Das who was also named by Arvind Mishra in his confessional statement has since been released on bail vide Cr. Misc. No. 17396 of 2022 on 26.9.2022 by a coordinate bench of this Court.

Taking into account the aforesaid facts as also that the charge-sheet stands submitted, his name has come up in the confessional statement of Arvind Mishra, is in custody since 1.6.2022 and one of the co-accused Rajan Das has since been released on bail by a coordinate bench of this Court, this Court is inclined to grant him the privilege of bail with conditions in view of the fact that he has criminal antecedent.

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 Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Lauriya P.S. Case No. 326 of 2021 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 his district(West Champaran) for a period of one month 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 (where he/she 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 the 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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