

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63941 of 2021

Arising Out of PS. Case No.-139 Year-2020 Thana- KURTHA District- Jehanabad

Bhushan Yadav Son of Late Nanhku Yadav Resident of Village- Pondil, P.S.-
Kurtha, Dist- Arwal

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 6874 of 2022

Arising Out of PS. Case No.-139 Year-2020 Thana- KURTHA District- Jehanabad

Rajballabh Yadav @ Rajballam Yadav Son of Ghamandi Yadav Resident of
Village - Chandbiga, Motiraj Kutupur, P.S. - Kurtha, Dist. - Arwal.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 63941 of 2021)

For the Petitioner/s : Mr. Nitya Nand Neeraj, Adv.

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 6874 of 2022)

For the Petitioner/s : Mr. Nitya Nand Neeraj, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 11-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with
Kurtha P.S. Case No. 139 of 2020 lodged under Sections 302/

201/ 120(B)/ 34 of the I.P.C.

As per the prosecution case, the informant has lodged this case that the marriage of his elder son solemnized with the daughter of the petitioner. It has been stated that his both sons went Kurtha for taking photographs to open bank account in the bank but in the night only elder son returned and younger son did not return. The informant received information that his younger son was killed thereafter, the informant has filed the present case against his elder son and his father-in-law, mother-in-law and his wife.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that there is no eye witness of this event. He further submits that he has been made accused only due to the reason that his father-in-law has been accused to go market with the deceased. He further submits that he is in custody since 27.12.2020, his antecedent is clean and charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail and submits that there are series of witnesses who are supported the story of the informant and it is a unique case in which the father has filed case against one son for apprehension

of killing of his another son with the help of the present petitioner. Learned counsel for the petitioner submits that charge has been framed in this case.

Learned counsel for the State also submits that in the confessional statement, name has also been figured of the present petitioner and the present petitioner has also named the accused Rajnish Kumar about involvement in the crime.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner of Cr. Misc. No. 63941 of 2021. Therefore, the bail petition of the petitioner is hereby rejected.

Learned counsel for the petitioner of Cr. Misc. No. 6874 of 2022 submits that the name of the present petitioner is not figured in the F.I.R. His name has figured only and only on the basis of suspicion made and also on the basis of confessional statement of the named co-accused. He further submits that wife and daughter of co-accused Bhusan Yadav who has disclosed the name of the present petitioner has been granted bail by the Co-ordinate Bench vide order dated 04.07.2022 passed in Cr. Misc. No. 45197 of 2021. Learned counsel for the petitioner further submits that the petitioner is in custody since 20.09.2021 having clean antecedent. Charge has been framed in this case.

He submits that against the present petitioner, there is absolutely no suspicion even made in the F.I.R.

Learned counsel for the State opposes the prayer for bail .

In the present facts and circumstances of this case and the submissions made above, let the petitioner of Cr. Misc. No. 6874 of 2022, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Arwal in connection with Kurtha P.S. Case No. 139 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal

activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application of Cr. Misc. No. 6874 of 2022, stands allowed.

(Dr. Anshuman, J.)

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