

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2134 of 2022

Arising Out of PS. Case No.-129 Year-2013 Thana- PANDARAK District- Patna

Mantu Yadav, Son Of Shri Yodha Yadav @ Ayodhya Yadav, R/O Village-
Chintamanchak, P.S- Pandarak, Dist.- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar, Advocate

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 01-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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

In the present case, the petitioner seeks bail in
connection with Pandarak P.S. Case No. 129 of 2013, registered
for the alleged offences under Section 364/34 of the Indian
Penal Code.

As per prosecution case, the petitioner is one of the
FIR named 30 accused persons against whom the informant had
made allegation that they abducted his nephew and after killing
him, threw his dead body in the River Ganga.

The learned counsel for the petitioner submits that the
informant is not an eye witness and he has not mentioned his



source through which he came to know about the occurrence. The case of the informant is not believable as he has made 30 persons as accused in this case but has not given any motive or time and manner of the occurrence. During investigation, the co-accused Bhimal Yadav was arrested and in his confession, he named this petitioner and other co-accused persons for having participated in the crime. This co-accused has been granted bail by a Coordinate Bench of this Court vide order dated 12.03.2015 passed in Cr. Misc. No. 9330 of 2015. Even the alleged kingpin Ram Janam Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 04.11.2015 passed in Cr. Misc. No. 51447 of 2015. One more co-accused was granted bail vide order dated 09.02.2015 passed in Cr. Misc. No. 38348 of 2014 by the same Coordinate Bench. The case of the petitioner is similarly placed. The petitioner is in custody since 13.10.2021 and the charge sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the co-accused confessed his guilt and named this petitioner who also participated in the murder of the nephew of the informant. The petitioner has got criminal antecedent.

Perused the records.



Having regard to the facts and circumstances and submissions made here-in-above and considering the lack of substantive material to connect the petitioner with the offence as alleged and further considering the period of custody of the petitioner along with submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Barh, Patna, in connection with Pandarak P.S. Case No. 129 of 2013, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be



cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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