

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65265 of 2019

Arising Out of PS. Case No.-29 Year-2019 Thana- CHANDRAMANDI District- Jamui

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Loko Yadav @ Loknath Yadav Son of Late Maha Yadav @ Mahadev Yadav
Resident of Village - Tarbadiya, P.S.- Chandramandih, dist.- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 56615 of 2019

Arising Out of PS. Case No.-29 Year-2019 Thana- CHANDRAMANDI District- Jamui

1. Dashrath Yadav @ Dasho Yadav Son of Late Mahadev Yadav @ Maha Yadav Resident of Village- Tarbadiya, P.S.- Chandramandih, District- Jamui
2. Loko Yadav Son of Late Mahadev Yadav @ Maha Yadav Resident of Village- Tarbadiya, P.S.- Chandramandih, District- Jamui
3. Rohit Kumar Yadav @ Rohit Yadav S/o Dashrath Yadav @ Dasho Yadav Resident of Village- Tarbadiya, P.S.- Chandramandih, District- Jamui
4. Sanjay Yadav S/o Dashrath Yadav @ Dasho Yadav Resident of Village- Tarbadiya, P.S.- Chandramandih, District- Jamui

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 65265 of 2019)

For the Petitioner/s : Mr. Prakash Mahto, Adv.

For the Opposite Party/s : Mr. K.Kishore(App100)

(In CRIMINAL MISCELLANEOUS No. 56615 of 2019)

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

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

13 26-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Learned counsel for the petitioner of Cr. Misc. No. 65265 of 2019, submits that after inquiry made by the Registrar General of the Patna High Court, it has been held that the petitioner and *pairwikar* of the petitioner are responsible for concealing of facts before this Hon'ble Court and thereafter vide order dated 29.07.2022, Hon'ble Single Judge has passed the following order "considering the aforesaid finding of the inquiry report, this court deems it appropriate to impose a cost of Rs. 10,000/- each to the petitioner namely, Loko Yadav and Loknath and his son Sonu Kumar @ Sonu Kumar Yadav which would be deposited in Legal Aide Committee within 2 weeks from today, on deposition of the same, this matter would be pleaded under the appropriate heading for final adjudication no. of the bail application. List this case on 18.08.2022 under the appropriate heading." Learned counsel for the petitioner submits that in compliance of the above said order, he has deposited total Rs. 20,000/- before Patna High Court Legal Services Committee on 02.08.2022. As such the order has been fully complied.

Learned counsel for the petitioner further submits that in the earlier Cr. Misc. no. 56615 of 2019, the present petitioner is petitioner No. 2 and in this view of the matter, the only option

left for him to withdrawn the petition filed by him. As such the permission is granted. Let the Cr. Misc. No. 65265 of 2019 is hereby dismissed as withdrawn.

Learned counsel for the petitioner Dr. Alok Kumar Alok in Cr. Misc. No. 56615 of 2019, he is ready to argue his bail petition which is for 4 petitioners, namely P1, P2, P3 & P4.

Prior to argument the case on merit, Learned counsel for the petitioner submits that petitioner no. 1 Dashrath Yadav died during pendency of the bail application as such the application for Dashrath Yadav become infructuous and presently, this bail application is maintainable only for 3 petitioners, namely P2, P3 & P4.

Learned counsel for the petitioners submit that presently, the bail application is only for 3 accused persons P2, P3 and P4.

The petitioners seek regular bail in connection with Chandramandih P.S. Case No. 29 of 2019 lodged under Sections 147, 148, 302, 201/120(B) of the I.P.C.

As per the prosecution case, the informant has narrated that his only son went to his father's house with whom the informant was in inimical relation. She further alleged that for the purpose of partition her law's families called upon which

informant son deposited alone on 15.03.2019, and upon 17.03.2019, she got information that her son was murdered and dead body was found hanging on a tree in a nearby jungle. The informant specifically alleged against the petitioners that they killed her son.

Learned counsel for the petitioners submit that there is absolutely no direct evidence available in the present case. He submits that the present case has been filed only and only on suspicion. Learned counsel for the petitioners further submit that in the case diary also, there is no conclusive piece of evidence about the death of the deceased. He submits that charge sheet has already been filed in this case and charge has also been framed and prosecution case is continuous at the stage of prosecution witness. He submits that petitioner no. 2 is in custody 19.05.2019, petitioner no. 3 and 4 are in custody since 26.04.2019 and 27.04.2019 respectively. He further submits that the criminal antecedent of all the petitioners are clean. Learned counsel for the petitioners submit that petitioners are in custody since more than 3 years which has already been framed and no purpose shall be solved if they shall continue in jail.

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 no. 3 and 4 are hereby granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Jamui in connection with Chandramandih P.S. Case No. 29 of 2019, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners 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.

The bail application of petitioner no. 2 i.e. Loko Yadav, is hereby rejected but liberty is hereby granted to the petitioner that he may renew his prayer for bail after lapse of one year from today and the Trial Court is directed to release him on bail thereafter imposing condition so that he may not evade from trial.

With this observation, the bail application stands
allowed for P3 and P4 and rejected for P2.

(Dr. Anshuman, J.)

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