

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4726 of 2023**

Arising Out of PS. Case No.-228 Year-2022 Thana- KHIJARSARAI District- Gaya

KABINDRA YADAV @ KAMINDRA YADAV Son of Mithlesh Yadav R/V-
Safipur, P.s- Khizar Sarai (Sarbadha O.P) Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 01-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
17.07.2022 in connection with Khizarsarai (Sarbadha O.P.) P.S.
Case No. 228/2022, F.I.R. dated 28.06.2022, for the offences
punishable under Sections 147, 341, 323, 307, 302, 379 of the
Indian Penal Code.

According to prosecution case, the allegation against
the petitioner is that he along with other co-accused persons
have conspired together and in pursuance to the said criminal
conspiracy, the accused persons have committed murder of the
mother of the informant. It is further alleged against the
petitioner that he snatched Bajrangbali from the neck of the
informant worth Rs.8000/-.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and it appears from the F.I.R. that there is no accusation of any assault or overt act is attributed against the petitioner and in fact, the petitioner is a disabled man. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 17.07.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV, Gaya, in connection with Khizarsarai (Sarbadha) O.P. P.S. Case No. 228/2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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 step 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.

(Rajesh Kumar Verma, J)

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