

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10539 of 2023

Arising Out of PS. Case No.-351 Year-2022 Thana- TRIVENIGANJ District- Supaul

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Dhirendra Yadav @ Dhiren Yadav @ Dhirendra Kumar Son of Shri
Kameshwar Yadav Resident of Village - Latauna, Ward No.- 4, P.S.-
Trivenigunj, District - Supaul, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Nath Rai, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
20.08.2022, in connection with Sessions Trial No. 443 of 2022
arising out of Triveniganj P.S. Case No. 351 of 2022, F.I.R. dated
21.07.2022 registered for the offences punishable under
Sections 302, 120(B)/34 of the Indian Penal Code and Section 27
of the Arms Act.

The prosecution case, in short, is that at the night of
21.07.2022 the husband of the informant (deceased) was killed
while he was sleeping in his cattle-shed and in the morning when
the informant went to awake her husband, she found that her
husband was lying dead in pool of blood.

Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused Bhushan Yadav, who is son of the deceased and it appears from the confessional statement of co-accused Bhushan Yadav that Bhushan Yadav shot his father with the country made pistol supplied by co-accused Santosh Kumar. He further submits that it has also been recorded in the confessional statement of Bhushan Yadav that the petitioner refused to accompany co-accused Bhushan Yadav and the co-accused person, namely, Santosh Kumar who supplied the country made pistol to Bhushan Yadav, has been granted bail by a Coordinate Bench of this Court vide order dated 27.03.2023 passed in Cr. Misc. No. 2902 of 2023. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 20.08.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Supaul in connection with Sessions Trial No. 443



of 2022 arising out of Trivenigunj P.S. Case No. 351 of 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 witness, 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 antecedents, 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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