

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5926 of 2023

Arising Out of PS. Case No.-191 Year-2022 Thana- GAMAHARIYA District- Madhepura

HARI NARAYAN YADAV Son of Late Ghuttar Yadav R/V- Chikni Jogwani,
P.S- Gamharia, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
07.09.2022 in connection with Gamharia P.S. Case
No.191/2022, F.I.R. dated 05.09.2022, for the offences
punishable under Sections 302, 120B, 34 of the IPC & Section
27 of Arms Act.

According to prosecution case, the petitioner along
with other co-accused persons are said to have committed
murder of the son of the informant under conspiracy and one
empty cartridge was also recovered from the place of
occurrence.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that the informant is not an eyewitness of the



alleged occurrence and due to enmity the name of the petitioner has been implicated in the present case as the son of the petitioner has given statement against the informant who is accused in Udakishunganj P.S. Case No. 360/2019. He further submits that nothing has been recovered from conscious possession of the petitioner and the postmortem report of the deceased reveals that only one bullet injury was found on the person of the deceased and except suspicion, no other cogent material has come during investigation to connect the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 07.09.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in both the cases.

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.-
II, Madhepura in connection with Gamharia P.S. Case
No.191/2022, 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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