

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12908 of 2023

Arising Out of PS. Case No.-9 Year-2020 Thana- BALIYA District- Begusarai

Mahendra Yadav S/O Late Anik Yadav Resident of Village- Phulwariya, Ward
No.- 7, P.S.- Baliya, District- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-08-2023 Heard Mr. Sanjeev Ranjan, learned counsel for the
petitioner and learned APP for the State.

2. Petitioner seeks bail, who is in custody since
11.11.2022, in connection with Ballia P.S. Case No. 09 of 2020,
F.I.R. dated 11.01.2020 registered for the offences punishable
under Sections 302, 120(B) and 34 of the Indian Penal Code.

3. Allegation against the petitioner is that he along
with co-accused persons committed the murder of the
informant's son and removed his dead body.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and he has been falsely implicated in
the present case. He further submits that from perusal of the
F.I.R. it appears that the informant is not an eye witness of the
alleged occurrence and there is no specific allegation attributed



against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner and it has come during investigation that the co-accused has illicit relationship with Anjani Devi and therefore she committed the murder of her husband along with other co-accused persons. He further submits that co-accused person namely Mahendra Yadav has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 02.03.2022 passed in Cr. Misc. No. 26723 of 2020, another co-accused person namely Kirandeo Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 02.02.2021 passed in Cr. Misc. No. 28906 of 2020, another co-accused person namely Rameshwar Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 11.01.2021 passed in Cr. Misc. No. 29996 of 2020 and another similarly situated co-accused persons have been granted bail by a different Coordinate Benches of this Hon'ble Court. He further submits that the petitioner had also been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 02.03.2022 passed in Cr. Misc. No. 26723 of 2020 but he could not furnish bail bond and he was arrested on 11.11.2022. He further submits that the police after investigation submitted



chargesheet against the petitioner and the petitioner is in custody since 11.11.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one in which he is on bail.

6. 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 Chief Judicial Magistrate, Begusarai in connection with Ballia P.S. Case No. 09 of 2020, 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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