

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10019 of 2023

Arising Out of PS. Case No.-68 Year-2022 Thana- BIRAUL District- Darbhanga

MANJAY YADAV Son of Ramakant Yadav R/V- Sonma, P.S- Singhiya Dist-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Sr. Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-05-2023 Heard Mr. Ajay Kumar Thakur, learned Senior
Counsel for the petitioner and the State.

The petitioner is in custody since 09.03.2022 in connection with Session Trial No. 278 of 2022 arising out of Biraul P.S. Case NO. 68 of 2022 for the offence punishable under Sections 302, 201 and 34 of the I.P.C. and under Section 27 of the Arms Act lodged on 26.02.2022 by the informant Vishwanath Yadav.

The prosecution story, in brief, is that the informant's son Sandeep Kumar went to Supaul market with the co-accused Abhishekh Raj. He did not return home whole night and also his mobile was found switched off. In the next morning, one Ranu Singh sent the picture of his dead body on Whats-app alongwith an audio clip. It was informed through that clip that Sandeep



was killed by the petitioner herein (Manjay Yadav). Thereafter, informant and other family members rushed to Biraul Police Station where dead body was lying in a tempo. It has also been alleged that on 25.02.2022, the co-accused Abhishekh Raj called the informant's wife from Sandeep's mobile informing that Sandeep was killed by petitioner (Manjay Yadav). Accordingly, the F.I.R.

Learned Senior Counsel submits that only on the basis of the statement of Abhishekh Raj, the petitioner has been dragged in the case save and except the said statement made by Abhishekh Raj to the informant's wife, nothing has come against the petitioner herein.

The further submission is that he is a bright student of L.C.S. College, Darbhanga and Abhishekh Raj being inimical, has tried to implicate him in this case.

Learned APP opposes the prayer stating that allegation has come against the petitioner having killed Sandeep.

From the perusal of F.I.R., it seems that the victim had moved with Abhishekh Raj and thereafter, his mobile was off. Later, the informant received the call on his son's mobile in which it was informed that this petitioner killed his son.



Considering the fact that his name has come on the suspicion, he is in custody since 09.03.2022 (as stated in para 14 of the petition), do not have any criminal antecedent, is a boy of 19 years and will have to face the trial, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge, IInd, Benipur, District- Darbhanga , in connection with Biraul P.S. Case No. 68 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

With the aforesaid observations, the application is
allowed.

(Rajiv Roy, J)

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