

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13447 of 2023

Arising Out of PS. Case No.-259 Year-2022 Thana- PAHARPUR District- East Champaran

YASHWANT GIRI S/O JATA SHANKAR GIRI Resident of Village-
Paharpur Giri Tola, P.S.- Paharpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Adv.

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Paharpur
P.S. Case No. 259 of 2022 registered for the offence under
Sections 302 and 394 of the Indian Penal Code.

Three unknown miscreants intercepted the brother of
the informant and took him along with his motorcycle and
committed his murder by inflicting gun shot injury.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has not been
named in the F.I.R., however, his name transpired in this case on
the basis of confessional statement of the co-accused, Amarjeet
Kumar. Save and except the confessional statement of the co-



accused, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. He further submits that nothing incriminating has been recovered from the possession of the petitioner nor the prosecution has conducted T.I.P. till date. Moreover, co-accused, Amarjeet Kumar, who has disclosed the name of the petitioner, has already been granted bail by a co-ordinate Bench of this Court vide order dated 24.03.2023 passed in Cr. Misc. No. 64642 of 2022 and one another co-accused, namely, Mantu Tiwary, has also been granted bail by the same co-ordinate Bench of this Court vide order dated 28.04.2023 passed in Cr. Misc. No. 15702 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 02.11.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one and he has been allowed bail in both the cases.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned A.C.J.M.-11th,



Motihari in connection with Paharpur P.S. Case No. 259 of 2022
with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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