

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17178 of 2023

Arising Out of PS. Case No.-31 Year-2022 Thana- AKBARNAGAR District- Bhagalpur

JAY KISHAN YADAV @ JAI KISHAN YADAV Son of Anil Yadav @ Digo
Yadav Resident of Village - Shrirampur, P.S.- Akbar Nagar, District -
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Narayan Yadav, Advocate
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
06.04.2022 in connection with S.Tr.No.557 of
2022/T.R.No.336 of 2022 arising out of Akbar Nagar P.S. Case
No. 31 of 2022, F.I.R. dated 29.03.2022 registered for the
offence punishable under Sections 363,365 of IPC and added
Sections 302,201,120(B)of IPC.

As per allegation in the FIR, there is a matter of
triangle love story and deceased Subham was creating hurdle
in between girl and her beloved. Petitioner in connivance with
other accused persons killed the son of the informant, namely
Subham and thrown out the dead body with a view to wipe



out the evidence and during search, his body was found in decomposed position.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis of suspicion. Further submits that during investigation it has come in para-45 of the case diary that on the basis of the confessional statement of co-accused person, namely, Rohit Yadav, the name of the petitioner has been implicated and thereafter the self-confessional statement of the petitioner was also recorded in which they have stated that they have committed the crime in question and except the aforesaid, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and as per version of the FIR the petitioner was last scene with the deceased on 28.03.2022 but the dead body of the deceased was recovered on 03.04.2022 and the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 06.04.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.



Considering the aforesaid facts, 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 learned 15th Additional Sessions Judge, Bhagalpur in connection with S.Tr.No.557 of 2022/T.R.No.336 of 2022 arising out of Akbar Nagar P.S. Case No. 31 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 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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