

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17986 of 2023

Arising Out of PS. Case No.-238 Year-2020 Thana- FALKA District- Katihar

Mithun Yadav Son Of Sri Rajkishor Yadav Resident Of Village-
Parmanandpur, P.S-. Bihariganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
28.09.2022 in connection with Falka (Pothiya) P.S.Case No.
238 of 2020, F.I.R. dated 18.07.2020 registered for the offence
punishable under Sections 302/34 of IPC.

As per the prosecution case, all the FIR named
accused and two unknown persons killed the husband of
informant.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present
case. Further submits that the petitioner is not named in the FIR.
The name of the petitioner has been transpired during
investigation on the basis of the confessional statement of the



co-accused person, namely, Santosh Kumar Yadav and except the confessional statement of the co-accused person, namely, Santosh Kumar Yadav, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and co-accused persons, namely, Santosh Kumar Yadav and Jantu Ravidas @ Jatu Ravidas have been granted bail by a Coordinate Bench of this Hon'ble Court vide orders dated 02.07.2021 and 27.09.2022 passed in Cr. Misc. Nos.15483 of 2021 and 17480 of 2022 respectively and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 28.09.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries three more cases other than the present one but fairly submits that out of three cases, the petitioner is on bail in two cases and rest one case is pending for consideration, as mentioned in para-3 of the bail petition.

Considering the aforesaid fact, 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 Additional Chief Judicial



Magistrate 1st Class, Katihar in connection with Falka (Pothiya)
P.S.Case No. 238 of 2020,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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