

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22983 of 2023

Arising Out of PS. Case No.-21 Year-2015 Thana- BELHAR District- Banka

KAPILDEO YADAV @ KAPIL @ LITRA @ KAPILDEO SON OF PRITAM
YADAV R/O VILLAGE- SARDARA, P.S.- BELHAR, DISTRICT- BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-06-2023 Heard the parties.

The case is registered under sections 302, 201, 34 of the Indian Penal Code in connection with Belhar P.S. Case No. 21 of 2015.

The prosecution case, in brief, is that the informant, Manju Devi alleged that on 12.02.2015, some unknown persons committed murder of her husband by slitting his throat with sharp cutting weapon and threw his dead body in the drainage near '*Lal Bagh*'. When she went there, she saw the dead body of her husband and mobile phone was missing.

Earlier prayer for bail of the petitioner was rejected vide order dated 05.09.2022 passed in Cr. Misc. No. 25214 of 2022.

On the last occasion, report was called for, which has



since been received and as per the letter no. 49 dated 17.04.2023 issued by the Additional District and Sessions Judge -I, Banka, it has been informed that the charges have been framed and summons have been issued to the witnesses.

Taking into account the facts aforesaid as also that the petitioner is in custody since 01.02.2022 (as stated in paragraph- 7 of the bail petition), this Court is inclined to grant him privilege of bail.

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 Additional District and Sessions Judge -I, Banka in connection with S.T. No. 300/22 arising out of Belhar P.S. Case NO. 21 of 2015, 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/her 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 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 his 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 the bail bonds.

(Rajiv Roy, J)

Jagdish/Kiran-

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