

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21005 of 2023

Arising Out of PS. Case No.-644 Year-2022 Thana- FATUA District- Patna

PAPPU RAI @ PAPPU YADAV son of Late Rajendra Yadav @ Late Raja
Yadav Village- Malbigha PS- Fatuha Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kahkashan Alam, Advocate

Mr. Kamlesh Kumar, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
13.01.2023 in connection with Fatuha P.S. Case No. 644 of
2022, F.I.R. dated 05.09.2022 for the offences punishable under
Sections 302/34 of the Indian Penal Code.

3. According to prosecution case, in brief, is that the
informant's husband had taken sum of Rs.50,000/- from the co-
accused persons two months ago and in lieu of the same, he was
cultivating her field as well, but the accused was insisting to
return the amount and for this reason all the accused persons
have caused the death of husband of the informant.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that bare perusal of the F.I.R. it appears that the informant is not the eye witness of the alleged occurrence and merely on the basis of suspicion, the petitioner has implicated in the present case. He further submits that similarly situated, co-accused, namely, Dharmshella Devi @ Dharmshila Devi has been granted bail by this Court vide order dated 05.05.2023 passed in Cr. Misc. No.70715 of 2022, another co-accused namely, Bhola Yadav has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 07.07.2023 passed in Cr. Misc. No.38350 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 13.01.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedents other than the present one but fairly submits that petitioner is on bail in three cases out of four cases.

6. Considering the aforesaid facts and circumstances,



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 the learned A.C.J.M.- I, Patna City, Patna in connection with Fatuha P.S. Case No. 644 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his 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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