

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24455 of 2023

Arising Out of PS. Case No.-240 Year-2020 Thana- ALAMNAGAR District- Madhepura

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KRISHNA KUMAR YADAV @ KRISHNA KUMAR Son of Bhuvneshwar
Yadav @ Mafatlal Yadav Resident of village-Sakrohar, Ward No. 13, Police
Station-Beldour, District-Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajnish Kumar Singh, Adv.

For the Opposite Party/s : Mr.Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 26-09-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with
Alamnagar P.S. Case No. 240 of 2020 dated 30.11.2020
registered for the offence under Sections 302/34 of the
Indian Penal Code.

The son of the informant is alleged to have been
killed by the petitioner and other accused persons.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case on the basis of statement of one
Ritesh Kumar, who happens to be younger son of the
informant. He further submits that informant is not the eye



witness to the alleged occurrence rather his younger son has informed him that the petitioner and other co-accused persons have caught hold his brother (deceased). He further submits that as per the allegation in the F.I.R., son of the informant went to the house of one Khavo Mistry for taking money and thereafter he did not return to his home but the police has not recorded the statement of Khavo Mistry during course of investigation. Save and except the suspicion, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. 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 16.12.2021.

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 there is sufficient material available on record to suggest the involvement of the petitioner in the present occurrence and apart from the aforesaid, the petitioner of the prayer for bail of co-accused, Kamal Kishore Malakar has been rejected vide order dated 19.10.2022 passed in Cr. Misc. No. 23551 of



2022 and the petitioner carries one more case other than the present one.

A report with regard to present stage of the trial has been called for by this Court vide order dated 28.08.2023 which has been received and forms part of this application at Flag-B. On perusal thereof, it would reveal that the case is fixed for framing of charge.

Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 16.12.2021.

Considering the facts and circumstances of the case and the period of custody, 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 Judicial Magistrate-1st Class, Udakishunganj in connection with Alamnagar P.S. Case No. 240 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 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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