

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23570 of 2023

Arising Out of PS. Case No.-105 Year-2022 Thana- KISHUNPUR District- Supaul

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MUKESH YADAV S/o Bhageshwar Yadav Resident of village-Chikni, P.S.-
Kishanpur, District-Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjay Kumar Singh, Advocate
For the Informant	:	Mr. Sanjeev Verma, Advocate
For the Opposite Party/s	:	Mr. Md. Aslam Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-07-2023 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
05.07.2022 in connection with Sessions Trial No.394 of 2022
arising out of Kishanpur P.S. Case No. 105 of 2022, F.I.R. dated
30.04.2022 for the offences punishable under Sections 363,
366/34, 302, 201 of the Indian Penal Code.

3. According to prosecution case, as per written report
of the informant that on 22.04.2022 marriage of the daughter
Bhageshwar Yadav was being performed in which the informant
along with his family member were present there and some
dispute took place between Anmol Devi (wife of the informant)



and Mamta Devi (wife of Mukesh Yadav) and the same become subside but Mukesh Yadav threatened that he will disappear to Anmol Devi. It is further alleged that the informant along with his four children and parents went to attend the marriage to the house of cousin brother-in-law on 27.04.2022, his wife was along with his house and on 28.04.2022 the informant returned to his house and found his wife is missing and on quarry, the neighbors said to him that his wife was weeping in the night and saw to Mukesh Yadav and other at his door.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis of suspicion because the petitioner was last seen with the deceased on 27.04.2022. He further submits that the date of occurrence as alleged in the F.I.R. is 27.04.2022 but the present F.I.R. was instituted on 30.04.2022 after the recovery of the death body of the deceased. He further submits that it appears from the F.I.R. itself that the deceased was disappears since 27.04.2022 but the informant has not filed any complaint before the police and even no one has seen the alleged occurrence. He further submits that except the suspicious no other cogent material has come to suggest the involvement of the petitioner in the present



occurrence. He further submits that similarly, situated co-accused, namely, Mukesh Kumar has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 15.02.2023 passed in Cr. Misc. No.58516 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 05.07.2022.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner.

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 Additional Sessions Judge-1st, Supaul in connection with Sessions Trial No.394 of 2022 arising out of Kishanpur P.S. Case No. 105 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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