

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23535 of 2023

Arising Out of PS. Case No.-161 Year-2022 Thana- PIRI BAZAR District- Lakhisarai

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HARICHARAN YADAV @ HARICHANDRA YADAV Son of Late Naryan
Yadav R/V- Kathara, P.S- Piri Bazar, Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar, Adv.

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-06-2023 Heard learned counsel for the petitioner and

learned counsel for the informant as well as learned A.P.P. for

the State.

The petitioner seeks bail in connection with Piri
Bazar P.S. Case No. 161 of 2022 registered for the offence
under Sections 302/34 of the Indian Penal Code.

The father of the informant is said to have been
murdered 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 merely on the basis of suspicion. He
further submits that the informant is not the eye witness to
the alleged occurrence and even no one claimed to have seen



the occurrence. He further submits that the instant case has been lodged after preparation of postmortem report which creates strong suspicion over the prosecution version. No cogent material has surfaced in this case against the petitioner connecting him to 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 22.11.2022.

Learned counsel for the informant as well as learned A.P.P. for the State opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one and according to the paragraph-3 of the petition, the petitioner has been acquitted of the charges in three cases.

Considering the facts and circumstances of the case, 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 Chief Judicial Magistrate, Lakhisarai in connection with Piri Bazar P.S. Case No. 161 of 2022 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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