

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28863 of 2023

Arising Out of PS. Case No.-312 Year-2021 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Dilip Yadav Son of Late Tapeswar Yadav Resident of Village - Chandpur,
P.S. - G.B. Nagar (Tarwara), District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
21.03.2023 in connection with G.B. Nagar P.S. Case No. 312 of
2021, F.I.R. dated 14.12.2021 for the offences punishable under
Sections 302, 120B/34 of the Indian Penal Code and Section 27
of the Arms Act.

According to prosecution case, the petitioner along
with other accused persons have committed murder of the son of
the informant by firearm and thereafter, they all fled away.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case and he



has not committed any offence as alleged in the F.I.R. He further submits that the informant is not the eye witness of the alleged occurrence and on the basis of suspicion, the name of the other co-accused persons have been implicated in the presnet F.I.R. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Shrikanti Devi and others have been granted bail by a co-ordinate Bench of this Court vide order dated 15.11.2022 passed in Cr. Misc. No. 18721 of 2022 and its analogous case and another co-accused, namely, Ajay Mahto has been granted bail by a co-ordinate Bench of this Court vide order dated 26.05.2022 passed in Cr. Misc. No. 18745 of 2022. The petitioner is in custody since 21.03.2023.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

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 Chief



Judicial Magistrate, Siwan in connection with G.B. Nagar P.S.

Case No. 312 of 2021, 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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