

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31743 of 2023

Arising Out of PS. Case No.-241 Year-2022 Thana- DUMARIAGHAT District- East
Champaran

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1. Chulhai Yadav @ Chulai Rai S/O Late Hardeo Yadav R/O Village-
Dhangarha, P.S- Dumariyaghat, Distt.- East Champaran.
 2. Bhulai Rai @ Bhulayi Yadav S/O Late Hardeo Yadav R/O Village-
Dhangarha, P.S- Dumariyaghat, Distt.- East Champaran.
 3. Surendra Yadav S/O Chulhai Yadav @ Chulai Rai R/O Village- Dhangarha,
P.S- Dumariyaghat, Distt.- East Champaran.
 4. Mukesh Kumar @ Mukesh Yadav S/O Surendra yadav R/O Village-
Dhangarha, P.S- Dumariyaghat, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. Petitioners seek bail, who are in custody since
15.11.2022, in connection with Dumariyaghat P.S. Case No. 241
of 2022, F.I.R. dated 15.11.2022 registered for the offences
punishable under Sections 302, 34 of the Indian Penal Code.

3. Allegation against the petitioners and other co-
accused persons is that of committing murder of informant's
husband.

4. Learned counsel for the petitioners submits that



the petitioners have clean antecedents and they have been falsely implicated in the present case due to admitted land dispute between the parties and both the parties are *pattidar*. He further submits that the informant is not an eye witness of the alleged occurrence and from a bare perusal of the F.I.R. it appears that there is general and omnibus allegation against all the accused persons including the petitioner rather there is no specific allegation of any assault or overt act attributed against these petitioners. He further submits that the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 15.11.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Dumariyaghat P.S. Case No. 241 of 2022, subject to the following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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