

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32479 of 2022

Arising Out of PS. Case No.-69 Year-2021 Thana- ANDHRAMATH District- Madhubani

Kailash Kumar Yadav, Son of Devendra Yadav Resident of Village - Rauahi,
P.S.- Andhramath, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Hriday Narayan Harshit, Advocate
For the Opposite Party/s :	Mr. Narsingh Tanti, Advocate
For the Informant :	Ms. Kalyani Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

8 14-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Andhramath P. S. Case No. 69 of 2021, corresponding to G.
R. No. 1088 of 2021, registered for the offences punishable
under Sections 302 and 34 of the Indian Penal Code.

The prosecution case as emerges from the FIR is
that in the night of 25.06.2021, when the husband of the
informant was in the mango orchard, the petitioner and his
associates killed him.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this



case. He further submits that the whole case is based on suspicion and even after investigation there is no connecting material on record except the statement showing doubt and suspicion of involvement of the present accused-petitioner in the alleged offence. He further submits that investigation in this case is complete and charge-sheet has already been submitted. He also submits that one of the co-accused, namely, Siya Devi has already been enlarged on bail by a different Bench of this Court *vide* order dated 29.06.2022, passed in Cr. Misc. No. 64650 of 2021.

He further submits that the petitioner has been languishing in jail since 27.06.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances,



this application is allowed, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M.-I, Jhanjharpur, District – Madhubani, in connection with Andhrmath P. S. Case No. 69 of 2021, corresponding to G. R. No. 1088 of 2021, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld.



court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

skm/-

U		T	
---	--	---	--

