

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35867 of 2023

Arising Out of PS. Case No.-507 Year-2022 Thana- KAHALGAON District- Bhagalpur

DHANANJAY YADAV @ DHANUSHDARI YADAV son of Indo Yadav
Village- Kodwar Ps- Kahalgaon Dist- Bhagalpur Petitioner/s
Versus

The State of Bihar Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vivekanand Vivek, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-07-2023 Heard Mr. Vivekanand Vivek, learned counsel for the

petitioner and Mr. Bharat Bhushan, learned APP for the State.

The petitioner is in custody since 27.2.2023 in connection with Kahalgaon P.S. Case No. 507 of 2022 for the offence punishable under Sections 302/21 of the I.P.C. lodged on 4.6.2022 by the informant Lalan Kumar.

The prosecution story, in brief, is that on 31.5.2022, the father of the informant had gone on duty after taking food. At about 10 P.M., the informant tried to contact him on his mobile but the mobile was switched off. On 1.6.2022, the mother of the informant saw a dead body in a water of pond. She called the villagers and with the help of them, the body was taken out from the pond. Thereafter, the informant reached there and recognized the body of his father, Subhash Yadav. The eyes of the body were closed and the blood was coming out from the eyes as also there was/were injuries on the whole body too.



Learned counsel for the petitioner submits that FIR is against unknown. Subsequently, during investigation, one Jaikant Yadav @ Srikant Yadav was apprehended on whose confession, his name has come as one of the associates and on the basis of which, he is in custody since 27.2.2023.

The last submission is that co-accused Jaikant Yadav @ Srikant Yadav has since been released vide Cr. Misc. No. 73206 of 2022 on 6.4.2023 by a coordinate bench of this Court.

Learned APP opposes the prayer stating that his name has come in the confessional statement.

Considering the delay of six days in lodging of the FIR, there is no eye-witness to the occurrence, the petitioner do not have criminal antecedent, his name has come in the confessional statement of co-accused Jaikant Yadav @ Srikant Yadav, who as stated above, has since been released on bail, this Court is also inclined to extend him the same relief.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate or in-charge, Bhagalpur, in connection with Kahalgaon P.S. Case No. 507 of 2022 subject to the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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