

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38350 of 2023

Arising Out of PS. Case No.-644 Year-2022 Thana- FATUA District- Patna

BHOLA YADAV Son of Late Joga Yadav Resident of village - Malbigha, P.S.
- Fathua, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-07-2023 Heard the parties.

The petitioner is in custody since 28.12.2022 in connection with Fathua P.S. Case No. 644 of 2022 for the offence punishable under Sections 302/34 of the I.P.C. lodged on 5.9.2022 by the informant Punam Devi.

The prosecution story, in brief, is that the informant's husband had taken a sum of Rs. 50,000/- from the co-accused persons two months ago and in lieu of the same, he was cultivating her field as well, but the accused was insisting to return the amount and for this reason, all the accused persons have caused the death of husband of the informant.

Learned counsel for the petitioner submits that a bare perusal of the FIR would show that the informant is not eye-witness rather only on the point that loan was taken by her late



husband which he could not repay and on that basis, the petitioner has been implicated.

The last submission is that one of the co-accused has been granted bail vide Cr. Misc. No. 70715 of 2022 on 5.5.2023.

Learned APP opposes the prayer.

Considering the aforesaid submission put forward by the learned counsel for the petitioner as also that he do not have criminal antecedent and is in custody since 28.12.2022 (as stated in para-16 of the bail petition) and similar placed co-accused has since been released on bail, as stated above, this Court is inclined to extend him the privilege of bail with conditions.

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 Judicial Magistrate,-1st Class, Patnacity, Patna, in connection with Fathua P.S. Case No. 644 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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