

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40995 of 2022

Arising Out of PS. Case No.-2 Year-2021 Thana- KHAIRA District- Jamui

MUKESH YADAV Son of Bhuna Yadav Resident of Village - Laldaiya, P.S.-
Khaira, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 15-05-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
23.01.2022 in connection with Khaira P.S. Case No. 02 of 2021,
F.I.R. dated 02.01.2021 registered for the offence punishable
under Sections 302,34 of Indian Penal Code and Section 3/4 of
Witch Prohibition Act.

As per averment of FIR, the case of the prosecution is
that grand son of Bhuna Yadav admitted in hospital being ill and
when he was returning with child from hospital to go to Ojha-
guni, on date 01.01.2021 the child died in the way. Mukesh
Yadav put died child in Varanda of informant. Wife of informant
slept with the child on same bed in the night. In the night at
about 12.00 AM Bhuna Yadav and Mukesh Yadav came to the



house of informant and started beating the wife of informant and tried to strangulate her. When they started strangulate her with rope, informant run away from there in fear. In morning when informant reached to his home he found his wife dead. Rope was around her neck. From earlier accused persons were quarreling with deceased saying her witch.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that the present case is filed on the basis of suspicion. Even the informant is not the eye witness of the alleged occurrence and no cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the allegation as alleged in the FIR is false and fabricated merely on the basis of suspicion. Further submits that the co-accused namely, Bhuna Yadav, against whom the similar allegation, has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 25.01.2023 passed in Cr. Misc. No.32275 of 2022 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 23.01.2022.

Learned counsel for the informant as well as the



learned APP for the State have opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, 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 learned Chief Judicial Magistrate, Jamui in connection with Khaira P.S. Case No. 02 of 2021, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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