

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42355 of 2023

Arising Out of PS. Case No.-593 Year-2022 Thana- PHULPARAS District- Madhubani

1. CHANDRAKALA DEVI WIFE OF LATE GYANI PRASAD YADAV
RESIDENT OF PHULKAHI, PS- PHULPARAS, DISTRICT-
MADHUBANI
2. ARJUN KUMAR YADAV SON OF LATE GYANI PRASAD YADAV
RESIDENT OF VILLAGE- PHULKAHI, PS- PHULPARAS, DISTRICT-
MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivnandan Bharti, Adv.
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-08-2023 1. Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. Petitioners, who are in custody since 30.12.2022 seek
bail in connection with Phulparas P.S. Case No.593/2022,
corresponding to G.R. No.2152/2022, dated 29.12.2022 registered
for the offences punishable under Sections 302, 120(B) of the I.P.C.
& Section 27 of the Arms Act.

3. According to prosecution case, the petitioners along
with co-accused persons are said to have committed murder of the
father of the informant by firing from pistol and tried to implicate the
informant in the murder of the father of informant.

4. Learned counsel for the petitioners submits that the
petitioner no.1 has clean antecedent and the petitioner no.2 has



carried one criminal antecedent other than the present one and they have falsely been implicated in the present case due to admitted family dispute. He further submits that the petitioners are close relatives of the informant and due to admitted land dispute, the petitioners have falsely been implicated in the present false and fabricated case. He further submits that there is no eyewitness of the alleged occurrence and except suspicion, no other cogent material has come during investigation to suggest the involvement of these petitioners in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioners and the petitioners are in custody since 30.12.2022.

5. Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners on the ground that petitioner no.2 has carried one criminal antecedent other than the present one but fairly submits that the petitioner no.1 has clean antecedent.

6. Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No.593/2022, corresponding to G.R. No.2152/2022, 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 bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, 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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