

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43432 of 2023

Arising Out of PS. Case No.-19 Year-2023 Thana- BENIPATTI District- Madhubani

DHAIRYU YADAV @ DHARJU YADAV Son of Late Malik Yadav Village-
Chandpur Patti Basaith P.S,- Benipatti Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gagandeo Deo Yadav, Advocate
	:	Mr.Ravi Prakash, Advocate
	:	Mr. Rajesh Kumar, Advocate
For the Opposite Party/s :	:	Mr.Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
17.02.2023 in connection with Benipatti P.S. Case No.19 of
2023, F.I.R. dated 04.02.2023 registered for the offences
punishable u/ss 302 and 34 of the Indian Penal Code.

3. As per prosecution case, informant's son was taken
away by four persons on motorcycle but his son did not return
home. On the next day, dead body of informant's son was found
in the field of Vijay Chaudhary.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case. The allegation as alleged in the FIR is false and



fabricated and the petitioner has not committed any offence as alleged in the FIR and the informant is not the eye witness of the alleged occurrence and merely on the basis of the suspicion the informant has suspected that the petitioner and other co-accused persons might have killed his son and as per allegation in the FIR the petitioner and other co-accused persons forcibly took his son and on the next day the dead body of the son of the informant was recovered. Learned counsel for the petitioner submits that the death of the son of the informant is due to electric current and the postmortem report of the son of the informant suggest that the cause of death of the deceased by cardio respiratory failure due to high voltage electrocution and the son of the informant came in touch with the open electric wire and he died on the spot and the co-accused person, namely, Ram Bharosh Ram has been granted bail by a Coordinate bench of this Hon'ble Court vide order dated 28.07.2023 passed in Cr. Misc. No.46098 of 2023 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 17.02.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one but fairly submits that



the petitioner is on bail in the said case, as mentioned in para-3 of the supplementary affidavit.

6. Considering the aforesaid fact, 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 A.C.J.M.-1st, Benipatti, Madhubani in connection with Benipatti P.S. Case No.19 of 2023, with the following conditions:-

(I) 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.

(II) 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.

(III) 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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