

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44203 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- MANJHI District- Saran

CHHATHU YADAV Son of Dharam Yadav Resident of Village - Mubarakpur,
P.S.- Manjhi, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-08-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
07.02.2023 in connection with S.Tr.No.261 of 2023 arising out
of Manjhi P.S. Case No. 38 of 2023, F.I.R. dated 02.02.2023
registered for the offence under Sections 147, 148, 149, 341,
342, 323, 324, 307, 302, 427, 435 of the Indian Penal Code.

3. The allegation against the petitioner is to commit
murder of son and nephew of the informant alongwith other
named or unknown co-accused persons by using lathi, danda,
rod, etc., where occurrence arises out of previous enmities.

4. 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 petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation and from a bare perusal of the FIR and the entire case diary that there is no specific allegation of any assault or overt-act attributed against the petitioner and the co-accused person namely Dinesh Yadav, Byas Kumar Yadav and Bipul Yadav @ Bipul Kumar Yadav have been granted bail vide orders dated 11.08.2023 and 24.08.2023 passed in Cr. Misc. Nos.46802 of 2023, 41621 of 2023 and 41889 of 2023 respectively by different Coordinate Benches of this Hon'ble Court and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 07.02.2023.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. 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 A.D.J.-4th, Saran at Chapra in connection with S.Tr.No.261 of 2023 arising out of Manjhi P.S. Case No. 38 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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