

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47086 of 2023

Arising Out of PS. Case No.-3 Year-2023 Thana- NAUHATTA District- Saharsa

1. Andana Devi @ Anjana Devi Wife Of Shiv Shankar Yadav Resident Of Village- Paharpur, Police Station- Nauhatta, District- Saharsa
2. Yogendra Yadav @ Kiray Yadav Son Of Late Anup Yadav Resident Of Village- Paharpur, Police Station- Nauhatta, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kumari Rashmi, Advocate
For the Opposite Party/s	:	Mr. Yogendra Kumar, APP
For the Informant	:	Mr. Binod Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-09-2023 Heard learned counsel for the petitioners, learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor for the State.

2. Petitioners seek bail where petitioner, namely, Andana Devi @ Anjana Devi is in custody since 09.02.2023 and petitioner, namely, Yogendra Yadav @ Kiray Yadav is in custody since 30.01.2023, in connection with Nauhatta P.S. Case No. 03 of 2023, F.I.R. dated 08.01.2023 for the offences punishable under Sections 302, 201, 120B of the Indian Penal Code.

3. According to prosecution case, the informant suspects that under the conspiracy, his son was called and



murdered for concealing evidence his dead body was thrown in ditch.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and he have falsely been implicated in the present case. He further submits that the petitioners are not named in the F.I.R. and the name of the petitioners have been transpired during investigation and after the date of occurrence, the informant has submitted an application before the S.P. Saharsa, in which he has raised suspicion against these petitioners and thereafter, the confessional statement of the petitioner, namely, Yogendra Yadav @ Kiray Yadav was recorded in which he has accepted his guilt in the present occurrence. He further submits that except the aforesaid, no other material has come during investigation to suggest the involvement of the petitioners in the present occurrence. He further submits that no one is the eye witness of the alleged occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioner, namely, Andana Devi @ Anjana Devi is in custody since 09.02.2023 and petitioner, namely, Yogendra Yadav @ Kiray Yadav is in custody since 30.01.2023.

5. The learned counsel appearing on behalf of the



informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that sufficient material has come during investigation to suggest the involvement of the petitioners in the present occurrence and the mobile in question was recovered from the possession of the petitioner, namely, Andana Devi @ Anjana Devi but fairly submits that the SIM was issued in the name of Bechan Yadav who is grant father of the deceased.

6. Considering the aforesaid facts and circumstances, 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 Chief Judicial Magistrate, Saharsa in connection with Nauhatta P.S. Case No. 03 of 2023, subject to the following conditions:-

i. 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.

ii. If the petitioners 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 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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