

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.47627 of 2022

Arising Out of PS. Case No.-153 Year-2021 Thana- JHAJHA District- Jamui

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KULDIP YADAV S/o Late Mashib Yadav Resident of Village- Pairgaha, P.S.-
Jhajha, District- Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar

For the Opposite Party/s : Mr. Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

4 24-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Jhajha
P.S. Case No. 153 of 2021, registered for the offences
punishable under Sections 302, 201, 120(B) of the Indian
Penal Code.

The prosecution case as emerges from the FIR is



that informant was Inquiry Officer of U.D. Case No. 5 of 2021 dated 14.03.2201 and in course of inquiry of said U.D. Case, parents of deceased Kundan Kumar disclosed that there was love affairs in between the deceased Kundan Kumar and deceased Gudiya Kumari for last two years and after hatching conspiracy, petitioner and other co-accused persons killed the deceased.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that case is based only on suspicion and there is no concrete material collected in the investigation, which may connect the petitioner with the alleged offence. He also submits that petitioner is neither a relative nor has any concern with the alleged occurrence. He further submits that other co-accused, namely, Toofani Yadav, Jagdish Yadav and Umesh Yadav have already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 16.11.2022, 22.12.2022 and 01.02.2023 passed in Cr. Misc. No. 44950 of 2022, Cr. Misc. No. 51770 of 2022 and Cr. Misc. No. 46110 of 2022 respectively.



He further submits that the petitioner has been languishing in jail since 30.05.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has never moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Judicial Magistrate-Ist Class, Jamui in connection with Jhajha P.S. Case No. 153 of 2021 **after framing of charge, if not already framed** on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that



investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a



period of one month and the Registry is directed to issue the
certified copy of this order only after removal of office
objections.

(Jitendra Kumar, J)

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