

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51406 of 2022

Arising Out of PS. Case No.-81 Year-2022 Thana- GAYA MUFASIL District- Gaya

HEMRAJ YADAV S/o Late Shukra Yadav @ Shukar Yadav R/o village-
Mushaila, P.S.- Mohanpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 04-02-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard the parties.

The petitioner seeks bail in connection with
Muffassil P.S. Case No. 81 of 2022 registered for the offences
punishable under Sections 364, 302, 201, 120(B) of Indian
Penal Code.

As per prosecution case,petitioner and others are
alleged to have kidnapped and committed murder of informant's
husband under conspiracy and dead body was concealed at
particular place.

Learned counsel for the petitioner submits that
petitioner is in custody since 23.02.2022 and bears no criminal
antecedent. Charge sheet has been submitted in the case and



there is no likelihood of tampering with the prosecution evidence. He further submits there is no eye witness of the alleged occurrence. Except suspicion, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner.

The learned A.P.P. for the State and learned counsel for the informant vehemently opposes the prayer for bail of the petitioner and submit that petitioner has threatened the deceased.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Gaya in connection with Muffassil P.S. Case No. 81 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on each and every date and if he fails to do so without appropriate permission of trial court, his bail bond shall be cancelled by the trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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