

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53221 of 2023

Arising Out of PS. Case No.-7 Year-2021 Thana- ANTI District- Gaya

UDAY YADAV Son of Ram Ishwar Yadav Resident of Village-Khatnahi Tola,
Maula Bigha, Police Station-Anti, District-Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with Aanti P.S. Case No. 07 of 2021 registered under Sections 302, 201 and 34 of the Indian Penal Code lodged on 16.02.2021 by the informant, Ram Ishwar Yadav.

3. As per the prosecution story, the informant Rameshwar Yadav has stated on 15.02.2021 that his son Satish @ Fakhan was a tempo driver failed to return home and when he asked the owner of the tempo regarding his son no proper reply was provided but on 16th of February, 2021, he got information that the dead body of his son is lying at *Karmaine Badhar*. The informant went to the place and identified his son's dead body. He has further stated that this petitioner gave confessional statement before the police and stated that he along



with his associates had killed the informant's son due to the dispute on the share of his brother-in-law.

4. Learned counsel for the petitioner submits that his name has come in the confessional statement of Raj Kumar Yadav and the CDR locations led to his arrest. Further the said Raj Kumar Yadav has since been extended the privilege of bail in Cr. Misc. 53296 of 2021.

5. Let the same be kept on record.

6. Learned APP for the State opposes the prayer for bail stating that his name came in the confessional statement of Raj Kumar Yadav and the tower location also matched, one of which was in the name of his wife and according to her, the petitioner was using the mobile.

7. In view of the fact that the case is against unknown, his name has come in the confessional statement of accused, Raj Kumar Yadav, who has since been extended the privilege of bail, do not have criminal antecedent and he is in custody since 06.08.2022 (as stated in paragraph-15 of the petition), this Court is inclined to grant him privilege of bail.

8. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial



Magistrate-1st Class, Gaya in connection with Aanti P.S. Case No. 07 of 2021, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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