

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53415 of 2022

Arising Out of PS. Case No.-298 Year-2021 Thana- NAWANAGAR District- Buxar

Arvind Yadav Son Of Ramayan Singh R/O Village- Shivparshan Tola, P.S.-
Agiaon Bazar, District- Bhojpur, Ara, Pin Code- 802155 (BIHAR)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 53552 of 2022

Arising Out of PS. Case No.-298 Year-2021 Thana- NAWANAGAR District- Buxar

Santosh Yadav Son Of Late Bihari Yadav @ Late Bihari Singh R/O Village-
Kadsar, P.S.- Nawanagar, District- Buxar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 53415 of 2022)

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

(In CRIMINAL MISCELLANEOUS No. 53552 of 2022)

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-02-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioners seek bail in a case registered for the



offences punishable under Sections 302 and 120B of the Indian Penal Code.

According to prosecution case, all the accused persons including the petitioners came and took away the son of the informant at the pond of Tej Narayan and later on the dead body of the son of the informant was found at the pond.

Learned counsel for the petitioners submits that petitioner have falsely been implicated in the present case. He further submits that as per the F.I.R., the allegation against the petitioners is that they called the deceased with other co-accused persons. He further submits that there is no eye witness of the alleged occurrence. He further submits that except suspicion, no other cogent material has come during investigation against these petitioners. He further submits that the police after investigation submitted the charge sheet against the petitioners. He further submits that similarly situated, co-accused, namely, Tej Narayan has been granted bail by a co-ordinate Bench of this Court vide order dated 27.07.2022 passed in Cr. Misc. No. 8574 of 2022. The petitioner, namely, Arvind Yadav is in custody since 29.04.2022 and another petitioner, namely, Santosh Yadav is in custody since 25.07.2022.

The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioners on the ground that petitioner, namely, Arvind Yadav carries one criminal antecedent and petitioner, namely, Santosh Yadav carries eleven criminal antecedents other than the present one and also submits that the petitioner, namely, Santosh Yadav is on bail in all the eleven cases.

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 Court below where the case is pending in connection with Nawanagar (Sonbarsa O.P.) P.S. Case No. 298 of 2021, subject to the following conditions:-

1. 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.

2. 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.

3. 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)

Vanisha/-

U		T	
---	--	---	--

