

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53346 of 2023

Arising Out of PS. Case No.-112 Year-2023 Thana- RAJAON District- Banka

=====

BASUKI YADAV Son of Vikash Yadav Resident of village - Khaira, Khiri,
P.S.- Rajoun, Distt. - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-08-2023

Heard the parties.

The petitioner is in custody in connection with Rajoun P.S. Case No. 112 of 2023 for the offence under section 302 of the Indian Penal Code and 27 of the Arms Act lodged on 09.03.2023 by the informant, Savitri Devi.

As per the prosecution story, the allegation is that the informant's marriage was solemnized with Balmiki Yadav and blessed with two daughters and the son and on the fateful day, she came to know that someone has shot dead her husband. She went there, and saw bullet injury on his head as no one came forward to inform anything about the alleged killing. Accordingly, the FIR.

It is the case of the petitioner that the Police arrested the petitioner as also the brother and sister-in-law (bhabhi) of



the deceased and on the basis of signed confessional statement, he has been implicated.

It is his submission that in any case, he is not directly related to the family, only a relative of the deceased and no concerned with the alleged occurrence and is in custody since 06.06.2023 (as stated in paragraph 13 of the petition).

Learned APP opposes the prayer for bail stating that his name has come in the confessional statement of the 'bhabhi' and the brother of deceased.

Taking into account the fact that his name has come in the confessional statement of the 'bhabhi' and the brother of the deceased, he is a relative of the family, is in custody since 06.06.2023 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Addl. Session Judge-IV, Banka, District- Banka, in connection with Rajoun P.S. Case No. 112 of 2023 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months 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 the 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

kiran/-

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

