

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53767 of 2023

Arising Out of PS. Case No.-572 Year-2022 Thana- BARHARA District- Bhojpur

Dinesh Yadav Son of Sri Aklu Yadav Resident of Village-Saraiyan, P.S.-
Barahara (Krishnagarh), District-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54017 of 2023

Arising Out of PS. Case No.-572 Year-2022 Thana- BARHARA District- Bhojpur

Pintu Yadav Son Of Late Shiv Kumar Yadav Resident Of Vilalge- Saraiya Ps-
Barhara Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 53767 of 2023)

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

: Mr. Vaishnavi Singh, Advocate

: Mr. Ritwik Thakur, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

(In CRIMINAL MISCELLANEOUS No. 54017 of 2023)

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-08-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. Petitioners seek bail who are in custody since
24.06.2023 in connection with Barhara (Krishnagarh) P.S. Case
No. 572 of 2022, F.I.R. dated 29.07.2022 for the offences



punishable under Sections 302, 201/34 of the Indian Penal Code.

3. According to prosecution case, the petitioners along with six named accused persons have committed murder of younger brother of the informant.

4. Learned counsel for the petitioners submit that petitioner, namely, Dinesh Yadav carries one more case other than the present one whereas petitioner, namely, Pintu Yadav has clean antecedent. The petitioners are innocent and they have falsely been implicated in the present case merely on the basis of suspicion. He further submits that the informant is not an eye witness of the alleged occurrence and except the suspicion, no other cogent material has come during the investigation to suggest the involvement of the petitioners in the present occurrence. He further submits that co-accused person, namely, ***Rajeshwar Yadav @ Rajesh Yadav*** who is brother of Dinesh Yadav, has been granted bail by a co-ordinate bench of this Court vide order dated 04.05.2023 in Cr. Misc. No. 11359 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 24.06.2023.

5. The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioners.

6. 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) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara, in connection with Barhara (Krishnagarh) P.S. Case No. 572 of 2022, subject to the following conditions:-

i. 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 his absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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)

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