

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55090 of 2023

Arising Out of PS. Case No.-170 Year-2018 Thana- ROSHANGANJ District- Gaya

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KUNDAN YADAV @ BIRHAMDEO YADAV @ SAHDEO YADAV @
KUNDAN JEE @ BRAHMDEO YADAV SON OF RAMCHANDRA
YADAV VILLAGE CHAKADAURIYA P S MNATU DISTRICT PALAMU
JHARKHAND

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Mr. Bhaskar Shankar, Adv.
For the Opposite Party/s	:	Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-09-2023 Heard Mr. Krishna Prasad Singh, learned counsel
for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with S.T.
No. 473 of 2019/ 609 of 2023 arising out of Raushanganj
(Bankebazaar) P.S. Case No. 170 of 2018 registered for the
offence under Sections 364, 302, 34 of the Indian Penal Code
and Section 27 of the Arms Act and also Sections 10,13,16,18
and 20 of the U.A.P. Ac.

The petitioner along with others is alleged to have
killed the brother of the informant and his dead body was
found near the bridge.

Learned counsel appearing for the petitioner



submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has not been named in the F.I.R., however, his name transpired in this case on the basis of suspicion just because the petitioner is having previous criminal antecedent. Save and except the confessional statement of the suspicion and criminal antecedent, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. He further submits that no T.I.P. has been conducted by the prosecution till date. Moreover, co-accused, Mukesh Paswan Surendra Yadav and Mandeep Yadav @ Metal have already been granted bail by a co-ordinate Bench of this Court vide order dated 17.07.2019, 24.09.2019 and 13.12.2021 passed in Cr. Misc. No. 42895 of 2019, Cr. Misc. No. 43456 of 2019 and Cr. Misc. No. 32111 of 2021, respectively. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 14.12.2018.

Learned A.P.P. for the State on the other hand opposed the prayer for bail of the petitioner and submits that the petitioner carries fifteen more cases other than the



present one and he fairly submits that several co-accused have been allowed bail by co-ordinate Benches of this Court.

Considering the facts and circumstances of the case and the period of custody, let the, above named, petitioner 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 learned Additional Sessions Judge, Sherghati, Gaya in connection with S.T No. 473 of 2019/609 of 2023 arising out of Raushanganj (Bankebazaar) P.S. Case No. 170 of 2018 with the following conditions:-

(1) Petitioner 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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