

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58378 of 2023

Arising Out of PS. Case No.-263 Year-2022 Thana- UDWANTNAGAR District- Bhojpur

Manoj Yadav S/O Late Butan Yadav R/O Village- Sarathuan, P.S-
Udawanagar, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 22.05.2023 in connection with Udawanagar P.S. Case No. 263 of 2022, F.I.R. dated 18.06.2022 for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioner is alleged to have murdered the daughter of the informant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from bare perusal of the F.I.R., it appears that there is allegation against the co-accused person, namely, **Sohan Yadav**, who is son-in-law of the informant, has killed the daughter of the informant and



with the help of the petitioner and co-accused persons they have burned the dead body of the daughter of the informant. He further submits that the allegation as alleged in the F.I.R. against the petitioner is that he was involved in the disposing of the dead body and there is no allegation of any assault or overt act attributed against the petitioner. He further submits that the similarly situated co-accused person, namely, **Nathuni Yadav**, who was also accompanied with the petitioner and other co-accused person, has been granted bail vide order dated 01.08.2023 in Cr. Misc. No. 47637 of 2023 and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 22.05.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, 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, District – Bhojpur at Ara, in connection with Udawantnagar P.S. Case No. 263 of 2022, subject to the following conditions:-

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

ii. 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.

iii. 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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