

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58828 of 2022

Arising Out of PS. Case No.-50 Year-2021 Thana- HATHUA District- Gopalganj

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Bijlee Yadaw @ Bijali Chaudhary S/o- Shyam Sundar Chaudhary R/o
Village- Semraw, P.S.- Mirganj, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 21-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Hathua P.S. Case No. 50 of 2021 lodged under Sections 302,
201, 120(B), 34 of the I.P.C.

As per the prosecution case, the F.I.R. has been filed
against unknown accused persons. By first look of the dead
body, it transpires that death has been caused by strangulation
and case has been filed against unknown.

Learned counsel for the petitioner submits that F.I.R.
has been filed against unknown accused persons. There is no
cogent material found by the investigation save and except that

there is allegation of talk between the petitioner and the deceased for about 31 times on the alleged date of occurrence. Counsel for the petitioner submits that his antecedent is clean and he is in custody since 07.03.2022. Counsel also submits that he is ready to fulfill all the conditions whatsoever shall be imposed upon him and also ready to face the trial.

Learned counsel for informant vehemently opposes the prayer for bail and submits that the talk between the deceased and the petitioner for 31 times definitely indicates that there is something behind this occurrence and also there is involvement of the present petitioner. But he admits that presently, no cogent material has been found.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-XIV, Gopalganj in connection with Hathua P.S. Case No. 50 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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