

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59321 of 2022

Arising Out of PS. Case No.-376 Year-2021 Thana- NAUGACHIA District- Bhagalpur

GULSHAN YADAV Son of Manoj Yadav Resident of Village- Tetri, P.S.-
Naugachia, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 328, 307, 379, 201/34
of the Indian Penal Code.

According to prosecution case, it is stated by the
informant that his younger brother along with his mother
proceeded to village Tetri. On their not returning back home, he
started to search for them but they were not to be found.
Subsequently after inquiry and with the assistance of the police
on breaking open the door of the house of Ranjana Devi, the
informant's mother was recovered in a semi-conscious state.
Subsequently the dead body of his brother was also recovered.

Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused namely Ravi Kumar Yadav and except the confessional statement of co-accused Ravi Kumar Yadav no other cogent material has come during investigation against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Ravi Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 06.01.2023 passed in Cr. Misc. No. 16075 of 2022, another co-accused namely, Ranjan @ Ranjana Devi @ Ranjan Devi has been granted bail by a co-ordinate Bench of this Court vide order dated 03.02.2023 passed in Cr. Misc. No. 29469 of 2022 and another co-accused namely, Ranju Devi, Karelal Singh @ Karelal, Rupesh Kumar and Chhotu Kumar @ Rajesh Kumar whose named in the F.I.R. have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 18.10.2022 passed in Cr. Misc. No. 19435 of 2022. The petitioner is in custody since 25.07.2022.

The learned Additional Public Prosecutor for the State



has vehemently opposed the prayer for bail of the petitioner.

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 Court below where the case is pending in connection with Naugachia P.S. Case No. 376 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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