

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58971 of 2022

Arising Out of PS. Case No.-147 Year-2022 Thana- MADHEPURA District- Madhepura

BARUN YADAV Son of Asharfi Yadav R/V- Sukhasan Chakla, P.S. and
District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 302 and 34 of the Indian
Penal Code.

According to prosecution case, the allegation against
the petitioner is of committing murder of the son of the
informant.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case only on the basis of suspicion. He
further submits that the informant is not an eyewitness of the
alleged occurrence and it appears from the F.I.R. that the date of
occurrence as alleged in the F.I.R. is 11.02.2022 but the present



F.I.R. was instituted on 16.02.2022, after the recovery of the dead body of the deceased. He further submits that except the re-statement of the informant and self confessional statement of the petitioner, no other cogent material has come during investigation against the petitioner to connect the complicity of the petitioner in the present case. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 19.03.2022.

The learned Additional Public Prosecutor 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, after framing of the charge if not framed, 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 Madhepura (Bharrahi O.P.) P.S. Case No. 147/2022, 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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