

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66025 of 2023

Arising Out of PS. Case No.-198 Year-2021 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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1. Deepo Yadav @ Deep Narayan Yadav Son Of Late Mahavir Yadav Village- Barah-Kurwa, Ward No. 12, Ps- Kumar Khand, Dist- Madhepura
 2. Raj Kumar Yadav Son Of Deepo Yadav @ Deep Narayan Yadav Village- Barah-Kurwa, Ward No. 12, Ps- Kumar Khand, Dist- Madhepura
 3. Chand Yadav @ Chandra Kumar Yadav @ Chaand Kumar Son Of Deepo Yadav @ Deep Narayan Yadav Village- Barah-Kurwa, Ward No. 12, Ps- Kumar Khand, Dist- Madhepura
 4. Pulam Devi Wife Of Raj Kumar Yadav Village- Barah-Kurwa, Ward No. 12, Ps- Kumar Khand, Dist- Madhepura
 5. Ritu Devi Wife Of Chand Yadav @ Chandra Kumar Yadav Village- Barah-Kurwa, Ward No. 12, Ps- Kumar Khand, Dist- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. Bhuva Devi Wife Of Late Chandeshwari Yadav @ Chandar Yadav Village- Barah-Kurwa, Ward No. 12, Ps- Kumar Khand (bhatani Op), Dist- Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-11-2023 Heard Dr. Sanjay Kumar Singh, learned counsel for

the petitioners and Mr. Yogendra Kumar, learned APP for the

State.

2. Learned counsel for the petitioners submits that

during the pendency of the present petition the petitioner no. 1,

namely Deepo Yadav @ Deep Narayan Yadav has been

arrested and as such the present petition with respect to



petitioner no. 1, namely Deepo Yadav @ Deeop Narayan Yadav has become infructuous and accordingly, he seeks permission to withdraw the anticipatory bail petition of petitioner no. 1.

3. Permission is accorded.

4. The application is dismissed as withdrawn as having become infructuous with respect to petitioner no. 1.

5. The petitioners (except petitioner no. 1) are apprehending their arrest connection with Complaint Case No. C-198 of 2021, dated 07.06.2021 registered for the offences punishable under Sections 302, 379, 34 of the Indian Penal Code and Section 27 of the Arms Act but the learned Court below has taken cognizance under Sections 304/34 of the Indian Penal Code.

6. The complaint case, in brief, is that on 30.05.2021 at night when the husband of the complainant was sleeping in his maize field for looking after his crops all the accused persons along with 3-4 unknown criminals armed with lathi, bhala and three-nut killed the husband of the complainant and also looted away the maize crops worth Rs. 5,000/-.

7. Learned counsel for the petitioners (except petitioner no. 1) submits that the petitioner nos. 2 and 4 having clean antecedents whereas petitioner nos. 3 and 5 carry one



more case other than the present and they have been falsely implicated in the present case. Learned counsel for the petitioners submits that for the same occurrence co-accused Chand Kumar who is nephew of petitioner no. 1 and he is petitioner no. 3 in the present bail petition has filed an F.I.R. bearing Kumarkhand P.S. Case No. 143 of 2021 and the police after investigation submitted chargesheet against co-accused person namely Santosh Yadav @ Wakil Yadav and Kumkarkhand P.S. Case No. 143 of 2021 has been filed on 31.05.2021 but the present complaint case has been filed on 07.06.2021 only to harrass the petitioners and their family members. He further submits that from perusal of the complaint petition it appears that the name of the witnesses is one of co-accused who has been chargesheeted by the police and other person who has been made accused in the F.I.R. which was filed by co-accused Deepo Yadav @ Deep Narayan Yadav.

8. Learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioners (except petitioner no. 1) and submits that there is specific and direct allegation in the complaint petition that the petitioners have committed the murder of the husband of the complainant.

9. Considering the facts and circumstances of the



case, let the petitioners (except petitioner no. 1), above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Madhepura in connection with Complaint Case No. C-198 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners (except petitioner no. 1) 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners (except petitioner no. 1) tamper with the evidence or the witness, 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 petitioners (except petitioner no. 1) and in case at any stage, it is found that the



petitioners (except petitioner no. 1) have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners (except petitioner no. 1). 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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