

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63085 of 2022

Arising Out of PS. Case No.-108 Year-2022 Thana- BARABAR TOURIST District-
Jehanabad

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1. RAM ISHWAR YADAV S/o Late Prasadi Yadav R/v- Sherpur, P.S.- Barabar Paryatak (Bishunganj O.P.), District- Jehanabad
 2. KARU YADAV @ ASHOK YADAV S/o Ram Ishwar Yadav R/v- Sherpur, P.S.- Barabar Paryatak (Bishunganj O.P.), District- Jehanabad
 3. LAL BABU YADAV S/o Ram Ishwar Yadav R/v- Sherpur, P.S.- Barabar Paryatak (Bishunganj O.P.), District- Jehanabad
 4. NUNU YADAV @ RANJEET KUMAR S/o Surendra Yadav @ Surendra Prasad R/v- Sherpur, P.S.- Barabar Paryatak (Bishunganj O.P.), District- Jehanabad
 5. CHHOTU YADAV @ SANJEEV KUMAR S/o Surendra Yadav @ Surendra Prasad R/v- Sherpur, P.S.- Barabar Paryatak (Bishunganj O.P.), District- Jehanabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar, Adv.
For the Opposite Party/s	:	Mr. Binod Kumar, A.P.P.
For the Informant	:	Mr. Saroj Kumar Sharma, Adv.
		Mr. Anupam Bahadur, Adv.
		Mr. Vikash Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-02-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

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

According to prosecution case, the petitioners are said



to have killed the husband of the informant by cutting his neck with sharp cutting weapon.

Learned counsel for the petitioners submits that petitioners have clean antecedent and have committed no offence and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the present F.I.R. has been instituted after the postmortem report of the deceased on 02.08.2022 but the occurrence as alleged in the F.I.R. took place on 31.07.2022. He further submits that the informant is not an eyewitness of the alleged occurrence and on the basis of suspicion, the name of the petitioners has falsely been implicated in the present case. He further submits that no other cogent material has come during investigation against the petitioners. The police after investigation submitted the charge sheet against the petitioners and petitioners are in custody since 21.09.2022.

The learned counsel for the informant as well as learned Additional Public Prosecutor for the State opposed the prayer of bail and submits that during investigation, it has come the complicity of the petitioners in the present occurrence.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail, after framing



of charge, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below, where the case is pending, in connection with Barabar Paryatak (Bishunganj O.P.) P.S. Case No. 108 of 2022, subject to the following conditions:-

1. Petitioners 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 bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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