

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69321 of 2022

Arising Out of PS. Case No.-270 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

Dhora Yadav @ Dhodha Yadav Son of Late Ramdhari Yadav Resident of
Village- Shital Bardaha, P.S.- Kuchaikot, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 4621 of 2023

Arising Out of PS. Case No.-270 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

Bhim Yadav S/o Dhora Yadav @ Dhodha Yadav R/o Village- Shital Batrahan,
P.S.- Kuchaikot, Distt- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 69321 of 2022)

For the Petitioner/s : Mr. Harendra Prasad, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 4621 of 2023)

For the Petitioner/s : Mr. Harendra Prasad, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioners seek bail where petitioner no.1, namely,



Dhora Yadav @ Dhodha Yadav is in custody since 16.06.2022 and petitioner no. 2, namely, Bhim Yadav is in custody since 22.07.2022 in connection with Kuchaikot P.S. Case No. 270 of 2022, F.I.R. dated 15.06.2022 for the offences punishable under Sections 302/34 of the Indian Penal Code.

According to prosecution case, petitioners along with other accused persons have committed murder of the brother of the informant.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that in fact, the petitioners and informant are agnate and there is admitted dispute between the parties. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. He further submits that it appears from the F.I.R. that the informant has not disclosed as his re-statement was recorded before the police in paragraph 3 of the case diary and the statement of the daughter of the victim is in paragraph 20 of the case diary in which she has stated other story about the occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioner



no.1, namely, Dhora Yadav @ Dhodha Yadav is in custody since 16.06.2022 and petitioner no. 2, namely, Bhim Yadav is in custody since 22.07.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail 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 Additional Chief Judicial Magistrate – 1, Gopalganj in connection with Kuchaikot P.S. Case No. 270 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 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 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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