

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.841 of 2023

Arising Out of PS. Case No.-456 Year-2021 Thana- JOGAPATTI District- West Champaran

KODAI RAI @ KODAI YADAV Son of Nathuni Rai R/V and P.S- Nawalpur
Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
18.11.2021 in connection with Yogapatti (Nawalpur) P.S. Case
No. 456/2021, G.R. No. 3961/2021, F.I.R. dated 24.10.2021, for
the offences punishable under Sections 304(B), 201, 120(B)/34
of the IPC.

According to prosecution case, the petitioner along
with other co-accused persons are said to have committed
murder of the deceased due to non-fulfillment of the demand of
dowry.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears



from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner. There is no specific allegation of any assault or overt act attributed against the petitioner. Similarly, co-accused persons, namely, Jaggu Bhar @ Jagu Bhar and others have been granted bail by a co-ordinate Bench of this Court vide order dated 20.09.2022 passed in Cr. Misc. No.12019/2022 and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 18.11.2021.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and period of custody, 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 C.J.M., Bettiah, West Champaran in connection with Yogapatti (Nawalpur) P.S. Case No. 456/2021, G.R. No. 3961/2021, 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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