

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69597 of 2022

Arising Out of PS. Case No.-121 Year-2019 Thana- DARBHANGA SADAR District-
Darbhanga

DAYA RAM YADAV Son of Bhola Yadav R/V- Kabir Chak, P.S- L.N.M.U
Dist- Darbhanga Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra

For the Opposite Party/s : Mr.Pramod Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 20-04-2023 Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection
with Darbhanga Sadar P.S. Case No. 121 of 2019, registered for
the offences punishable under Sections 302, 201, 120(B)/34 of
the Indian Penal Code.

As per allegation, the son of the informant Mithilesh
Kumar Yadav (deceased) and his friend Shivam Lal Deo
(deceased) went from the house of the informant. They were
dealing in sell and purchase of the landed properties. When the
informant, after a short while was going to his field, he saw co-
accused Guddu Paswan, Shivam Yadav, Kailash Yadav and
Laxman Yadav and Mithlesh Yadav and his friend Shivam Lal
Deo were going on motorcycle. In the next morning, the
informant came to know that two dead bodies have been



recovered. The first dead body was of his son Mithlesh Yadav and second dead body was of Shivam Lal Deo. Both the deceased were murdered after slitting their throats. It has been mentioned that the accused persons, in a deep conspiracy to grab his land had committed his murder and concealed his dead body.

The learned counsel for the petitioner has submitted that the petitioner is not named in the FIR and the four accused persons, whose named have figured in the FIR have been granted anticipatory bail by the co-ordinate bench of this Court.

On the other hand, the learned APP has opposed the prayer for bail and submitted that for concealing the dead body, the petitioner has excavated the land, as per statement of witness Shivam Lal Deo.

The named accused persons against whom there was allegation that they committed murder of the deceased have been granted anticipatory bail by the co-ordinate Bench of this Court. The case of the petitioner is on better footing.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand rupees) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Darbhanga Sadar P.S. Case No. 121 of 2019, subject to the following conditions:-

- (i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.
- (ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.
- (iii) Before release of the petitioner, the learned court below shall verify the criminal antecedent of the petitioner and it comes to the notice of the learned court below that the petitioner is involved in any other case, the learned court below shall be at liberty to cancel his bail bond.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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