

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74341 of 2022**

Arising Out of PS. Case No.-81 Year-2022 Thana- GAYA MUFASIL District- Gaya

MUNNA YADAV SON OF LATE SHUKRA YADAV @ SHUKAR YADAV
R/O VILL.- MUSHAILA, P.S.- MOHANPUR, DISTT.- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

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

Petitioner seeks bail, who is in custody since
23.07.2022 in connection with Muffasil P.S. Case No.81/2022,
F.I.R. dated 13.02.2022, for the offences punishable under
Sections 364, 302, 201, 120(B) of the IPC.

According to prosecution case, the petitioner along
with others are alleged to have committed murder of the
husband of the informant and his dead body was concealed at
particular place.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case merely on the basis of suspicion.



He further submits that the informant is not an eyewitness of the alleged occurrence and except suspicion, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused, namely, Bigan Ram has been granted bail by a co-ordinate Bench of this Court vide order dated 03.11.2022 passed in Cr. Misc. No.38268/2022, another co-accused, namely, Hemraj Yadav has been granted bail vide order dated 04.02.2023 passed in Cr. Misc. No. 51406/2022 and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 23.07.2022.

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 circumstances, 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 Sri Anup Kumar Mishra, J.M.1st Class, Gaya in connection with Muffasil P.S. Case No. 81/2022, 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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