

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77637 of 2023

Arising Out of PS. Case No.-264 Year-2022 Thana- LADANIA District- Madhubani

NAWAL YADAV @ NAWAL KISHORE YADAV Son of Mahesh Yadav
Resident of village - Yogiya, Kamlabari, P.S.- Ladaniya, Dist.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-11-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Ladaniya P.S. Case No. 264/2022, corresponding to G.R.
No.1551/2022 registered for the offences punishable under
Sections 332, 353, 302, 272, 273/34 of the Indian Penal Code
and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the informant was going
on duty alongwith other security forces at Indo-Nepal Border.
Then they saw that one person was coming on motorcycle with
loaded bags. Informant told him to stop but he pushed them on
the road. In the meanwhile, one Scorpio vehicle reached there
from Nepal side in which bags were also loaded and dashed
them, then, some how the informant was saved but



H.C. Deoraj was dashed by the Scorpio vehicle. With the help of villagers, injured were admitted to the hospital and during treatment H.C. Deoraj died. FIR has been lodged against the owner and the driver of the said motorcycle and Scorpio vehicle in question.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to dirty village politics. The petitioner is not named in the FIR and the name of the petitioner transpired in this case on the basis of confessional statement of co-accused Dilip Yadav and Vivek Kumar Yadav. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 28.08.2023 and bears criminal antecedent of two cases in which he is on bail. He further submits that the seizure list has not been prepared as per the law. He further submits that co-accused Dilip Kumar Yadav upon whose confession the name of present petitioner surfaced in this case, has already been granted bail by the co-ordinate Bench of this case vide Cr. Misc. No.64692/2022 and the case of present petitioner stands on



better footing.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, the petitioner is not named in the FIR, co-accused has already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II cum Special Judge, Excise Act, Madhubani in connection with Ladaniya P.S. Case No. 264/2022, corresponding to G.R. No.1551/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.



(iii) 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.

(Alok Kumar Pandey, J)

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