

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 73453 of 2022

Arising Out of PS. Case No.-170 Year-2021 Thana- UDWANTNAGAR District- Bhojpur

GANGA YADAV @ GANGU YADAV @ RAGANGU YADAV S/O Bachan
Yadav @ Ram Bachan Yadav R/O village- Bakri, P.S- Udwant Nagar,
District- Bhojpur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh, Adv.

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, 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
14.10.2022 in connection with Udwant Nagar P.S. Case
No.170/2021, F.I.R. dated 13.04.2021, for the offences punishable
under Sections 302, 201 and 34 of the Indian Penal Code.

According to prosecution case, it is alleged that one
Mutur Yadav killed Degree Choudhary. Thereafter the villagers
became furious and they surrounded and killed said Mutur Yadav.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been implicated
in the present case. He further submits that the petitioner is not
named in the F.I.R. The name of the petitioner has been transpired
during investigation on the basis of disclosure made by the local



chowkidar, on the basis of CCTV footage. He further submits that it appears from the F.I.R. that villagers have assaulted the victim and there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that except the disclosure of the local chowkidar no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. Co-accused, namely, Manoj Chaudhary has been granted bail by a co-ordinate Bench of this Court vide order dated 21.02.2022 passed in Cr. Misc. No.63560/2021, another co-accused namely, Pawan Kumar Choudhary has been granted anticipatory bail vide order dated 27.09.2022 passed in Cr. Misc. No. 71254/2021, another co-accused namely, Ram Ishwar Yadav has been granted anticipatory bail vide order dated 24.11.2022 passed in Cr. Misc. No. 43585/2022 and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 14.10.2022.

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 the learned C.J.M., Bhojpur, Ara in connection with Udwant Nagar P.S. Case No. 170/2021, 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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