

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73806 of 2022

Arising Out of PS. Case No.-4 Year-2022 Thana- GARHI District- Jamui

Ravindra Yadav Son of Gajo Yadav R/o Village- Charaiya, P.S.- Charkapathar,
District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar, Advocate
For the Informant	:	Mr. Pankaj Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Uday Chand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 19-05-2023 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
09.09.2022 in connection with Garhi P.S. Case No. 04 of 2022,
F.I.R. dated 09.06.2022 for the offences punishable under
Sections 302/34 of the Indian Penal Code.

According to prosecution case, as per written report of
the informant namely Kaleshwar Yadav, is that on 08.05.2022
the informant received an information at about 08:00 P.M. that
his son Rabindra Yadav was murdered near Dumdumiya-pahari,
then informant reached there alongwith other villagers and saw
that his son was lying there and police also reached there. It has
been further alleged that Pintu Yadav, Bablu Kumar, Sunma



Devi, Ravindra Yadav and Yugal Yadav have committed the murder of the son of the informant namely, Rabindra Yadav.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case merely on the basis of suspicion. He further submits that the informant is not the eye witness of the alleged occurrence and there is land dispute between the informant and co-accused namely, Chaman Yadav and petitioner has no concern at all with the land dispute or the co-accused person. He further submits that except the suspicion no other cogent material has come during investigation against the petitioner to suggest the involvement of the in the present occurrence and the witnesses are not the eye witnesses of the alleged occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 09.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one and the petitioner has been acquitted in the aforesaid case.

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 Judicial Magistrate, 1st Class, Jamui in connection with Garhi P.S. Case No. 04 of 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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