

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74691 of 2022

Arising Out of PS. Case No.-119 Year-2022 Thana- SARSI District- Purnia

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DHARAMBIR YADAV @ BABLU YADAV S/o Rajendra Yadav R/v-
Sarhad, P.S.- Srinagar, District- Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 20-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
21.06.2022 in connection with Sarsi P.S. Case No. 119 of 2022,
F.I.R. dated 05.06.2022 for the offences punishable under
Sections 406, 302, 120B of the Indian Penal Code and Section
27 of the Arms Act.

According to prosecution case, the informant has
disclosed on the basis of suspicion that her husband was
working under the accused persons including this petitioner and
under conspiracy they killed her husband by fire arm.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that petitioner



is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of suspicion and self confessional statement of the petitioner. He further submits that except the aforesaid, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused, namely, Praveen Kumar and Munna Kumar have been granted bail by a co-ordinate Bench of this Court vide order dated 08.12.2022 passed in Cr. Misc. No. 55848 of 2022, another co-accused namely, Raj Kumar Yadav has been granted bail by co-ordinate Bench of this Hon'ble Court vide order dated 21.03.2023 passed in Cr. Misc. No. 74040 of 2022 and another co-accused namely, Md. Shamim @ Chhotu has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 05.04.2023 passed in Cr. Misc. No. 617 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 21.06.2022.

The learned Additional Public Prosecutor for the State 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 Chief Judicial Magistrate, Purnea in connection with Sarsi P.S. Case No. 119 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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