

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.1749 of 2023**

Arising Out of PS. Case No.-51 Year-2021 Thana- PASRAHA District- Khagaria

Indradeo Yadav Son Of Suresh Yadav R/O Village- Piparpanti, P.S.- Pasraha,  
District- Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bhim Kumar Yadav, Advocate

For the Opposite Party/s : Mr.Choubey Jawahar, APP

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

4      20-06-2023                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 28.09.2022 in connection with Pasraha P.S. Case No. 51 of 2021, F.I.R. dated 06.04.2021 registered for the offence punishable under Sections 302/34/120B of IPC.

The prosecution story, in brief is that the informant reached his Basa at 4.00 A.M. (Morning) on 06.04.2021 and saw that Pappu Singh, Ajit Singh and eight unknown persons fleeing away from his Basa and on suspicion, he went there and saw that his son, namely, Ninin Kumar (deceased) was hanging by rope.

Learned counsel appearing 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. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation after nine months of filing of the FIR in para-68 and 69 of the case diary. Further submits that from bare perusal of the FIR it transpires that the specific allegation is against co-accused persons, Pappu Singh and Ajit Singh. Petitioner and other co-accused persons have no concern at all with the alleged occurrence and except the suspicion no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 28.09.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, 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 learned Chief Judicial Magistrate, Khagaria in connection with Pasraha P.S. Case No. 51 of 2021, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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