

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17637 of 2024

Arising Out of PS. Case No.-212 Year-2017 Thana- MAHUA District- Vaishali

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1. Yogendra Singh Son Of Budhan Singh, R/O- Chakdara, P.S.- Mahua, Distt.- Vaishali.
 2. Ramesh Singh Son Of Yogendra Singh, R/O- Chakdara, P.S.- Mahua, Distt.- Vaishali.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Y.C. Verma, Sr. Advocate
For the Opposite Partys : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 20-09-2024 Heard Mr. Y.C. Verma, the learned senior counsel
for the petitioners and Mr. Abhay Kumar Roy, the learned
Additional Public Prosecutor for the State.

2. Petitioners seek regular bail, who are in custody
since 06.12.2023, in connection with Mahua P.S. Case No. 212
of 2017, FIR dated 25.08.2017, registered for the offences
punishable under Sections 302, 201, 325 and 380 read with
Section 34 of the Indian Penal Code.

3. According to the prosecution case, all the FIR
named accused persons including these petitioners entered into
the house of informant's sister and murdered her in order to grab
her land and they also looted articles from the house and
disappeared her dead body.



4. Earlier the petitioners along with one Sita Ram Singh have moved before this Hon'ble Court for grant of anticipatory bail in Cr. Misc. No. 17399 of 2018, which was disposed of vide order dated 01.05.2018 with a direction that the petitioners will be released on provisional bail till submission of chargesheet, with a condition that petitioners have to co-operate in the investigation and when the chargesheet is submitted and the case is found true against them, they will surrender and make prayer for regular bail, which will be considered by him on the basis of materials available at the time of bail application. He further submits that after completion of investigation the police found the case to be true against the petitioners and others and the police have submitted chargesheet on 22.02.2021 and on the basis of chargesheet, the learned trial Court has taken cognizance vide order dated 09.03.2022. He further submits that after cognizance the petitioners again moved for grant of anticipatory bail in Cr. Misc. No. 26412 of 2022 and the same was dismissed as withdrawn with a liberty to surrender and apply for regular bail. Thereafter, the petitioners have surrendered on 06.12.2023. He further submits that without any material, the police has filed chargesheet, even the dead body of the deceased has not been found yet.



5. Vide order dated 09.08.2024, a report was called for with respect to status of the victim from the Superintendent of Police, Vaishali at Hajipur. The report dated 19.08.2024 reveals that till date the dead body has not been recovered as yet.

6. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

7. Considering the aforesaid facts and circumstances and mainly the facts that petitioners have clean antecedent and earlier the petitioners have been granted the privilege of provisional bail, till the submission of chargesheet and chargesheet has been submitted merely on the basis of suspicion, let the petitioners, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Mahua P.S. Case No. 212 of 2017, subject to the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as



directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioners. 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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