

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19604 of 2024

Arising Out of PS. Case No.-469 Year-2022 Thana- PARBATTa District- Khagaria

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Ram Pukar Yadav S/O- Lagina Yadav R/O- Village- Salarpur, P.S.- Parbatta,
Dist.- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Gaurav Kumar, Advocate
For the Opposite Party/s : Mr.Md. Aslam Ansari,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 13-09-2024 Heard Mr.Gaurav Kumar, learned counsel for the

petitioner and Mr.Md. Aslam Ansari, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
27.11.2023 in connection with Parbatta P.S. Case No. 469 of
2022, F.I.R. dated 30.10.2022 registered for the offence
punishable under Sections 302,201,406,120(b),34 of IPC.

3. The informant alleges that his son Md. Afjal on
25.10.2022, informed that he is going with Nikesh who was
standing outside the door and thereafter both left, it is next
alleged that after dinner they slept as they were aware that Afjal
sleeps near the door, it is further alleged that in the morning
Afjal was missing from the bed, thereafter, a search was made
and on enquiry Nikesh disclosed that his son had not come to
his house, thereafter, enquiry was made from relatives but to no



avail, it is next alleged that on 30.10.2022, he came to know that his son has been murdered and his dead body was buried in a banana orchid of Shambhu Singh, thereafter, the dead body was recovered with the help of police, thus alleges based on suspicion that his son was killed by Nikesh along with unknown accused persons for the reason that his son on disclosure of Nikesh regarding buying a second hand auto had given Rs. 25,000/- by way of advance to him out of Rs. 50,000/- but neither returned the money nor got the auto purchased.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Petitioner is not named in the FIR and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused person, namely, Nikesh Paswan and except the aforesaid, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and co-accused person, namely, Nikesh Paswan has been granted bail by this Court vide order dated 08.08.2023 passed in Cr. Misc.No.37228 of 2023, co-accused person, namely, Arun Paswan @ Bangali Paswan @ Baigan Paswan, against whom similar allegation as against



Nikesh Paswan, has been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 25.08.2023 passed in Cr.Misc. No.44489 of 2023 and co-accused persons, namely, Nitish Yadav and Md.Gulzar have also been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 24.06.2023 passed in Cr. Misc. No.31066 of 2023 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 27.11.2023.

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

6. Considering the aforesaid fact, petitioner has clean antecedent, even the petitioner is not named in the FIR and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused person, and said co-accused person has been granted bail by this Court and another co-accused person has been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court, 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 S.D.J.M., Khagaria in connection with Parbatta P.S. Case No. 469 of



2022, with the following conditions:-

(I) 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.

(II) 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.

(III) 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)

Nitesh/-

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