

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19816 of 2024**

Arising Out of PS. Case No.-656 Year-2021 Thana- KHAGARIA District- Khagaria

Mayank @ Banti Son of Late Ramchandra Yadav Resident of vill.-Chukti,
P.S.-Mansi, Distt.-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Parmanand Kumar, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP

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

4 04-07-2024 Heard Mr. N.K. Agrawal, learned Senior counsel for
the petitioner and Mr. Anil Kumar, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 28.10.2023, in connection with Khagaria (Muffasil) P.S. Case No. 656 of 2021, F.I.R. dated 18.08.2021 registered for the offences punishable under Sections 302, 201 of the Indian Penal Code.

3. The F.I.R. of the occurrence of murder is against unknown.

4. Learned Senior counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the



petitioner has been transpired during investigation after more than one year of the alleged date of occurrence on the basis of confessional statement of co-accused persons namely Murari Yadav and the said Murari Yadav has been granted bail by this Court vide order dated 24.06.2023 passed in Cr. Misc. No. 9108 of 2023, another co-accused person namely Mithun Yadav @ Mithun Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 22.02.2024 passed in Cr. Misc. No. 11066 of 2024, another co-ccused person namely Mira Devi has been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 17.08.2023 passed in Cr. Misc. No. 33950 of 2023 and apart from that there is no eye witness of the alleged occurrence and except the confessional statement of co-accused person, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 28.10.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case



and the fact that the petitioner having clean antecedent and the name of the petitioner has been transpired on the basis of confessional statement of co-accused Murari Yadav and the said co-accused has been granted bail by this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 656 of 2021, 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 witness, 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 antecedents, 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)

Ibrar//-

U		T	
---	--	---	--

