

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23428 of 2024

Arising Out of PS. Case No.-180 Year-2021 Thana- CHANDI District- Nalanda

RAJENDRA YADAV S/O SUBHASH CHANDRA BOSE @ CHHOTE
SIPAH R/O VILLAGE- MOSIMPUR, P.S- CHANDI, DISTT.- NALANDA,
BIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 26461 of 2024

Arising Out of PS. Case No.-180 Year-2021 Thana- CHANDI District- Nalanda

Pappu Kewat Son of Brind Kewat Resident of Village- Mosimpur, Police
Station- Chandi, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 39248 of 2024

Arising Out of PS. Case No.-180 Year-2021 Thana- CHANDI District- Nalanda

Awadhesh Yadav Son of Late Ganga Bishun Yadav Resident of Village-
Mosimpur, P.S.- Chandi, Dist.- Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 23428 of 2024)

For the Petitioner/s : Mr. Prince Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 26461 of 2024)

For the Petitioner/s : Mrs. Madhuri Kumari, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

(In CRIMINAL MISCELLANEOUS No. 39248 of 2024)

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP



CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-06-2024 Heard learned Counsel for the petitioners in all the
three cases and the learned APPs.

2. The petitioners are accused in connection with Chandi P.S. Case 180 of 2021 registered for the offences under sections 302, 201 and 120(B) of the Indian Penal Code lodged on 12.05.2021 by the informant, Narsingh Yadav.

3. As per the prosecution story, the informant Narsingh Yadav took his son for lunch. However, his son did not return thereafter. Next day, he went for search and he came to know that the accused persons including the petitioner herein took away his son to the house of Baleshwar Choudhary where they had lunch and wine and some altercation also took place. Thereafter, it has been alleged that the accused persons threatened to kill him and later they killed his son which was found in a garden at Jagatpur.

4. The petitioner, Rajendra Yadav is in custody since 08.12.2021 (paragraph-12 to the petition), the petitioner, Pappu Kewat is in custody since 13.05.2021 (paragraph-10 to the petition) while petitioner, Awadhesh Yadav is in custody since 12.05.2021 (paragraph-13 to the petition), none of them have criminal antecedent.

5. Learned Counsel Mr. Prince Kumar Mishra appearing in Cr. Misc. No. 23428 of 2023 submits that it is a case of last seen, the petitioners in all the cases have remained in custody for more



than two years, out of six witnesses, four have been examined and the I.O and the Doctor are still to be examined. If granted relief, they undertake to diligently appear in the trial on each and every date.

6. Learned Counsel for the informant as also the State submit that though it is a case of last seen, upon arrest, they had confessed to the crime.

7. To this, learned Counsel for the petitioners submit that the said confession was before the police and the deposition that has been made by the witnesses who are family members takes the case to a different angle.

8. Considering the aforesaid facts as also the submissions put forward by the parties, taking into account that none of the petitioners have criminal antecedents, they are in custody for more than two years and given undertaking to diligently appear in trial, this Court is inclined to extend them privilege of bail.

9. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Court of Additional Sessions Judge-V, Hilsa (Nalanda) in connection with Sessions Trial No. 626 of 2021 arising out of Chandi P.S. Case No. 180 of 2021, subject to the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show their *bona fide*;



(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station till the conclusion of the trial to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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