

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25532 of 2024

Arising Out of PS. Case No.-183 Year-2023 Thana- FALKA District- Katihar

1. Umesh Yadav S/o Late Karu Yadav R/o Bhangha, Ward No.-2, P.S.- Falka (Pothia), Distt.- Katihar
2. Aruna Devi W/o Late Karu Yadav R/o Bhangha, Ward No.-2, P.S.- Falka (Pothia), Distt.- Katihar
3. Babita Devi W/o Umesh Yadav R/o Bhangha, Ward No.-2, P.S.- Falka (Pothia), Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate
For the State : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2024 Heard Mr. Sanjeev Kumar Singh, learned counsel

for the petitioners and Mr. Binod Kumar, learned A.P.P.

appearing on behalf of the State.

2. The petitioners seek bail, who are in custody since 02.06.2023, in connection with Falka (Pothia) P.S. Case No. 183 of 2023, FIR dated 01.06.2023 registered for the offence under Sections 302/34 of the Indian Penal Code.

3. The prosecution case in brief is that all these petitioners have assaulted the father of the informant resulting into his death.

4. Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and they have falsely been implicated in this case. He



further submits that informant is not eye witness of the alleged occurrence and during the investigation the petitioner no.1 has confessed his guilt in which he stated that petitioner no.1 along with other co-accused persons have committed the crime in question. He further submits that except the aforesaid, no other cogent material has come during the investigation to suggest the involvement of the petitioners in the present occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 02.06.2023 more than a year.

5. Learned A.P.P. for the State, on the other hand, vehemently opposes the prayer for bail of the petitioners.

6. Considering the aforesaid facts as well as nature of the allegation and the period of custody, let the, above named, petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV, Katihar in connection with Falka (Pothia) P.S. Case No. 183 of 2023 with the following conditions:-

(i) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be canceled by the Court below.

(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.

And, further condition that the court below 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 court below shall take step for cancellation of bail bonds 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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