

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24596 of 2024

Arising Out of PS. Case No.-459 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

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Bhola Yadav @ Ajay Yadav Son of Lal Babu Yadav R/o Village- Kamalpur
Tola, Barmatra, Ward No. 10, P.S.- Bahadurpur, district- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2024 Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioner and Mr. Bhanu Pratap Singh, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
25.11.2023 in connection with Sadar P.S. Case No. 459 of 2023,
F.I.R. dated 10.07.2023 for the offences punishable under
Sections 302, 201, 120(B)/34 of the Indian Penal Code.

3. According to prosecution case, this petitioner along
with two other accused persons have brutally assaulted the
husband of the informant resulting into his death.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been 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 on the basis of the confessional statement of the co-accused, namely, Rajiv Kumar @ Sunny Kumar. He further submits that it appears from the confessional statement of the co-accused person that there is no specific allegation against the petitioner and the only allegation against the petitioner is that he is order giver and on his instruction the present occurrence has taken place. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 25.11.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the confessional statement of the co-accused suggests that the petitioner was involved in the present crime in question and apart from that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, 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 the learned Chief



Judicial Magistrate, Darbhanga in connection with Sadar P.S.
Case No. 459 of 2023, subject to 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 absence on two consecutive dates without sufficient reason, his 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)

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