

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34497 of 2024

Arising Out of PS. Case No.-198 Year-2023 Thana- BHAWANIPUR District- Purnia

Subodh Yadav Son of Late Upendra Yadav Resident of Soraha Tol, P.S. -
Chousa, District - Madhepura

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-08-2024 Heard Mr. Ajit Kumar Singh, learned counsel for the
petitioner and Mr. Md. Iftekhar Mahmood, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
06.01.2024 in connection with Bhawanipur (Akbarpur) P.S.
Case No. 198 of 2023, F.I.R. dated 15.08.2023 for the offences
punishable under Sections 302 and 201/34 of the Indian Penal
Code.

3. According to prosecution case, some miscreants
have committed the murder of the victim somewhere else and
threw her dead body in a ditch which was found floating near
Shuraiti Canal.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent 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 is transpired in the present case on the basis of the confessional statement made by the co-accused person namely, Paro Sharma @ Permanand Sharma. He further submits that except the aforesaid, no other material has come which suggest the involvement of the petitioner in the present occurrence and the co-accused person namely, Raj Kishore Yadav and Brahmadeo Sharma has been granted bail by this Court vide order dated 21.03.2024 passed in Criminal Misc. No. 4337 of 2024. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 06.01.2024.

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

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, petitioner is not named in the F.I.R., and the name of the petitioner is transpired on the basis of the confessional statement made by the co-accused person, namely, Paro Sharma @ Permanand Sharma, 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, Purnea in connection with Bhawanipur (Akbarpur)
P.S. Case No. 198 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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