

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34703 of 2024

Arising Out of PS. Case No.-198 Year-2022 Thana- PHULPARAS District- Madhubani

1. Lakshmi Yadav @ Laxmi Yadav Son of Late Bindeshwari Yadav, Resident of Village- Kudanma , P.S- Pato, Dist- Saptari, Nepal.
2. Jibachh Yadav Son of Late Sifait Yadav, Resident of Village and P.S- Phulparas , Dist- Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Lakshmindra Kumar Yadav, Advocate
For the Opposite Party : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-08-2024 Heard Mr. Lakshmindra Kumar Yadav, the learned counsel for the petitioners and Mr. Tarkeshwar Nath Thakur, the learned Additional Public Prosecutor for the State.

2. Petitioners seeks regular bail and petitioner no. 1 is in custody since 30.04.2022 and petitioner no. 2 is in custody since 10.06.2022, in connection with Phulparas P.S. Case No. 198 of 2022, FIR dated 28.04.2022, registered for the offences punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code.

3. Earlier the petitioner has moved before this Hon'ble Court in Cr. Misc. No. 70183 of 2022, which was rejected vide order dated 19.07.2023.



4. According to the prosecution case, the informant, after receiving information that a dead body is lying in the *Badhar* of East Tola of Phulparas, reached at the alleged place and found the dead body, which was later sent for *post-mortem*.

5. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that FIR is lodged against unknown persons and there is no eyewitness to the alleged occurrence and names of petitioners transpired during investigation merely on the basis of confessional statement of the co-accused person, i.e., petitioner no. 1, Lakshmi Yadav @ Laxmi Yadav, who happens to be the father of the deceased.

6. Vide order dated 21.06.2024, a report was called for with regard to the stage of the trial and report dated 28.06.2024 of the learned trial Court reveals that out of nine chargesheeted witnesses, only four witnesses have been examined.

7. Learned counsel for the petitioner submits that in view of the report of the learned trial Court, there is no chance of early conclusion of the trial in near future and the petitioners are in custody since 30.04.2022 and 10.06.2022 respectively.



8. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

9. Considering the aforesaid facts and circumstances, the nature of allegation levelled in the FIR, report of the learned trial Court and petitioners' period of custody, let the petitioners, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-I, Jhanjharpur, Madhubani, in connection with **Phulparas P.S. Case No. 198 of 2022**, subject to the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(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.

(iii). And further condition that the learned trial



Court 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 learned trial Court shall take step for cancellation of bail bond 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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