

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37211 of 2024

Arising Out of PS. Case No.-21 Year-2021 Thana- JHAJHA RAIL P.S. District- Lakhisarai

Rajesh Kumar Yadav @ Rajesh Yadav @ Rajesh Kumar Son of Nand Kishor
Yadav Resident of Village - Tola Kalan, P.S.- Jhajha, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate with Mr. Mithilesh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-05-2024 Heard Mr. Krishna Prasad Singh, learned Senior Advocate duly assisted by Mr. Mithilesh Kumar Singh, learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. This is an application for grant of bail to the petitioner, who is made accused and put behind the bars in connection with G.R.P. Jhajha P.S. Case No. 21 of 2021, registered for the offences punishable under Sections 302, 201, 34 of the Indian Penal Code.

3. Allegedly about 10 days back, there was a fight between the children of the informant and the petitioner. It is further alleged that the petitioner along with the named accused persons came to the house of the informant and on account of



fight between the children, threatened the husband of the informant that he would be killed and nothing will happen to him as he is a member of the Zila Parishad. On 21.02.2021, the deceased along with his friends, including the petitioner came to the house of the informant and had dinner; thereafter left with his friends. In the next morning a headless body was found near the railway track. The body was identified by the informant as that of the deceased, leading to lodging of the FIR.

4. Learned Senior Advocate appearing on behalf of the petitioner submits that the name of the petitioner has been implicated on account of the fact that just a day before occurrence the petitioner along with three others had dinner with the husband of the informant. It is contended that co-accused Mukku Yadav @ Mukesh Yadav and Basudeo Turi, had also dinner with the informant's husband a day before occurrence, they have been allowed bail by the co-ordinate Bench of this Court in Cr. Misc. No. 6131 of 2022 vide order dated 13.06.2022 and Cr. Misc. No. 7924 of 2022 vide order dated 11.04.2022. Further submission has been made that the petitioner having a PDS shop has a very good relationship with the informant's husband but only account of suspicion his name has been implicated in this case. Moreover, during the course of



investigation no other incriminating material has come suggesting the complicity of the petitioner. Co-accused Kaiyum Miya @ Abdul Kaium, who had threatened the informant's husband with dire consequence, has also been enlarged on bail in Cr Misc. No. 55101 of 2021 vide order dated 21.02.2022.

5. On the other hand, learned APP for the State opposed the bail application and submitted that a day before occurrence the petitioner was with the deceased and as such his involvement cannot be denied, apart from the fact that the petitioner is having one criminal antecedent.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that during the course of investigation nothing incriminating material surfaced and the other co-accused persons having identical allegation have been allowed the privilege of bail, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Kiul, Lakhisarai in connection with G.R.P. Jhajha P.S. Case No. 21 of 2021, subject to the condition that one of the bailors shall be the own/close family members of the petitioner with further



conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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