

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40821 of 2024**

Arising Out of PS. Case No.-26 Year-2021 Thana- ALIPUR District- Gaya

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Tuntun Yadav S/O Vijay Yadav @ Ranvijay Yadav, Resident of Village-  
Kuseta, P.S.-Alipur, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      28-08-2024                      Heard Mr. Sunil Kumar, the learned counsel for the  
  
petitioner and Mr. Md. Shakir Ahmad, the learned Additional  
  
Public Prosecutor for the State.

2.                      Petitioner seeks regular bail who is in custody since  
25.02.2021, in connection with Alipur P.S. Case No. 26 of 2021,  
FIR dated 18.02.2021, 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. 40402 of 2023, which was  
rejected vide order dated 20.09.2023.

4.                      According to the prosecution case, informant's  
sister was subjected to regular torture and abuse by her in-laws  
over non-fulfillment of dowry demand. It is further alleged that  
when the informant along with his family members came at his



sister's matrimonial home, he was informed by his niece that the accused persons have taken away her mother. It is further alleged that informant suspects that his sister's in-laws have murdered his sister and disposed of her dead body.

5. 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 as per allegation in the FIR, the niece of the informant has disclosed that the petitioner along with other co-accused persons has taken away the deceased and they have disposed of the dead body of the deceased without informing the police and family members 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 16.08.2024 of the learned trial Court reveals that charge has been framed on 22.11.2022 and summons were issued against the witnesses, however, till date, prosecution has not examined any witness.

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 petitioner is in custody since 25.02.2021, which is more than three and half



years.

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

9. Considering the aforesaid facts and circumstances, the report of the learned trial Court and petitioner's period of custody, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Gaya, in connection with **Alipur P.S. Case No. 26 of 2021**, 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 learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial



Court 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 learned trial Court 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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