

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39331 of 2024

Arising Out of PS. Case No.-138 Year-2023 Thana- CHIRAIYA District- East Champaran

Vinesh Yadav Son of Late Sukadar Rai @ Late Subadar Rai @ Sukdeo Rai,
R/o Village -Saraugarh, PS- Chiraiya, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sunil Kumar No. III, Advocate

For the Opposite Party : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-09-2024 Heard Mr. Sunil Kumar No. III, the learned counsel
for the petitioner and Mr. Rana Randhir Singh, the learned
Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
01.12.2023, in connection with Chiraiya P.S. Case No. 138 of
2023, FIR dated 26.03.2023, registered for the offences
punishable under Sections 302 read with Section 34 of the
Indian Penal Code.

3. According to the prosecution case, on 26.03.2023,
the informant received information that all the FIR named
accused persons including the petitioner, who are *pattidar* of
sasural family of informant's daughter, have committed murder
of informant's daughter.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that informant is not the eyewitness to the alleged occurrence and from bare perusal of the FIR, it appears that informant has implicated all the family members of the petitioner in the present occurrence and all the co-accused persons in the present FIR are own brothers of the petitioner. He further submits that except suspicion, no other cogent material has come during investigation which suggests the involvement of the petitioner in the present occurrence. He lastly submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 01.12.2023.

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

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent and there is no specific allegation levelled against the petitioner in the present FIR, 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 Judicial Magistrate 1st Class, Sikrahna



at Dhaka, East Champaran, in connection with **Chiraiya P.S.**
Case No. 138 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 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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