

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3941 of 2023**

Arising Out of PS. Case No.-114 Year-2003 Thana- DHARHARA District-
Munger

=====

SUBODH YADAV S/o Vechan Yadav R/o- Mohanpur, P.S.- Dharhara,
District- Munger

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sarbottam Kumar Sarkar, Adv.

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

5 07-03-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Dharhara P.S. Case No. 114 of 2003 (S.T. No. 72 of 2021) lodged on 17.07.2023 under Sections 364/34 of the Indian Penal Code and subsequently Sections 302 and 201 of the Indian Penal Code were added.

3. As per the prosecution case, the FIR has been lodged against seven accused persons, including the present petitioner, against whom there is allegation made by the informant that one month back, seven buffaloes of the informant were subjected to theft and the brother of the informant started searching for the same and when he



reached near the orchard of the accused persons, found that four out of seven buffaloes were present and the accused persons are going with them. On oppose, they fled away causing brutal injuries to the informant brother. Subsequently, when the brother of the informant did not return, the informant along with family members started searching him, then somehow, they received information that his brother has come for in search of buffaloes. Subsequently, during investigation, dead body of the brother of the informant was recovered into pieces.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that the entire allegation made in the F.I.R. has not been supported by any cogent material rather only on the basis of suspicion, name of all the accused persons, including the petitioner, has been dragged in this case. Learned counsel for the petitioner further submits that the antecedent of the petitioner is clean and he has been languishing in judicial custody since 28.12.2020.

5. Learned counsel for the petitioner further submits that the charge has already been framed in this case and the trial of other accused persons has been concluded in



which they are acquitted of the charges.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case, particularly, when the charge has been framed in this case, no purpose would be served keeping the petitioner into custody, and the submissions made above, let the petitioner above named be released on bail, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, 1st, Munger, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the



concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

brajesh/-

U		T	
---	--	---	--

