

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4337 of 2024

Arising Out of PS. Case No.-198 Year-2023 Thana- BHAWANIPUR District- Purnia

1. Raj Kishore Yadav S/O Late Upendra Yadav Village- Soraha Tol, Ps. Chousa, Dist.Madhepura.
2. Brahmadeo Sharma S/O Late Dukhan Sharma Village- Soraha Tol, Ps. Chousa, Dist.Madhepura.
3. Subodh Yadav S/O Late Upendra Yadav Village- Soraha Tol, Ps. Chousa, Dist.Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-03-2024 Heard Mr. Ajit Kumar Singh, learned counsel for
the petitioners and Mr. Arun Kumar Pandey, learned Additional
Public Prosecutor for the State.

2. Learned counsel for the petitioners seeks permission
to withdraw this application with respect to petitioner no. 3,
namely, Subodh Yadav.

3. Permission is accorded.

4. Accordingly, this application stands dismissed as
withdrawn with respect to petitioner no. 3.

5. The petitioners (except petitioner no. 3) are
apprehending their arrest in connection with Bhawanipur



(Akbarpur) P.S. Case No. 198 of 2023, F.I.R. dated 15.08.2023 for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

6. According to prosecution case, some miscreants have committed the murder of a girl and thrown her dead body in a ditch in order to hide the evidence.

7. 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 the petitioners are not named in the F.I.R. and the name of the petitioners have been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Paro Sharma @ Permanand Sharma and except the confessional statement of the co-accused, no other material has come during investigation to suggest the involvement of the petitioners in the present occurrence.

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

9. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent and they are not named in the F.I.R and their name has been transpired on the basis of the confessional statement of the co-accused person, let



the petitioners (except petitioner no.3), above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Bhawanipur (Akbarpur) P.S. Case No. 198 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

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

ii. If the petitioners 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 court below 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 court below 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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