

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86876 of 2024

Arising Out of PS. Case No.-213 Year-2010 Thana- UDWANTNAGAR District- Bhojpur

JAJ YADAV son of Late Lalan Yadav Resident of Village - Raghunipur,
Police station - Udwant Nagar, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra, Adv.

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

For the Informant : Mr. Anant Kumar Pandey, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 20-03-2025 Heard learned counsel for the petitioner and learned
APP for the State as also learned counsel for the Informant.
Perused the case diary.

2. The petitioner seeks bail in connection with Udwant
Nagar P.S. Case No. 213 of 2010 instituted for the offences
under Sections 302/34 of the Indian Penal Code and Section 27
of the Arms Act.

3. As per prosecution case, the accusation against the
accused persons including the petitioner is of committing
murder of the Informant's daughter-in-law by firing.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



He further submits that the petitioner was not present at the place of occurrence rather was arrested from his home situated at his village. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. He further submits that nothing incriminating has been recovered from the conscious/physical possession of the petitioner. The specific allegation of firing is against the co-accused Dharmendra Singh Yadav and Binod Singh Yadav. He further submits that the uncle of the petitioner namely Kashi Nath Yadav was killed by the Ramadhar Yadav and others leading to institution of Udwant Nagar P.S. Case No. 72 of 2009. The father of the petitioner was also killed by Ramadhar Yadav and others leading to institution of Udwant Nagar P.S. Case No. 248 of 2009. The petitioner has two criminal antecedents. He further submits that the petitioner was arrested in connection with Udwant Nagar P.S. Case No. 130 of 2024 on 02.04.2024 and remanded in this case on 20.06.2024 and, since then, he is languishing in judicial custody. Charge-sheet has been submitted against the petitioner and others in this case.

5. Learned counsel for the petitioner again submits that the co-accused Bir Bahadur Singh and Vinod Yadav have



already been granted bail by a Co-ordinate Bench of this Court vide orders dated 09.05.2014 and 19.04.2017 passed in Cr. Misc. Nos. 10979 of 2014 and 19162 of 2017 respectively.

6. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner as also there being no direct allegation against the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Udwant Nagar P.S. Case No. 213 of 2010, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates



without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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