

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87853 of 2024

Arising Out of PS. Case No.-448 Year-2023 Thana- NOORSARAI District- Nalanda

Sita Ram Yadav S/o Late Rajo Yadav Resident of Village- Chandasi, PS
-Noorsarai District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur, Advocate Ms.Vaishnavi Singh, Advocate Mr.Ritwik Thakur, Advocate
For the Opposite Party/s :		Mr.Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 22-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with
Noorsarai P.S. Case No. 448/2023 registered for the offences
under Section 365 of the Indian Penal Code.

3. As per the prosecution case, the informant gave a
written report stating that his mother had left for irrigation of the
land at the behest of co-accused Sudhir Yadav, and since then,
she was traceless, Hence, the FIR was lodged.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. Learned counsel further submits that the FIR was lodged
against one Sudhir Yadav only and during the course of



investigation, none of the witnesses have named the petitioner, however, the name of the petitioner has surfaced in the confessional statement of one co-accused Sonu Kumar as stated in Para '33' of the case diary. Learned counsel further submits that even if the statement of co-accused Sonu Kumar is taken into account, there is no specific allegation of assault on the petitioner. At best, it can be said that he assisted in disposing of the dead body. Learned counsel further submits that nothing has been alleged against the petitioner even during the course of investigation to establish his complicity in the said incident. It is lastly submitted that the petitioner has clean antecedent and is languishing in custody since 24.07.2024.

5. Learned APP for the State has opposed the prayer for bail of the petitioner submits that petitioner's name has surfaced in the confessional statement of co-accused and he had stated that the petitioner was also present when the said Babita Devi(deceased) was being killed by Sonu Kumar (co-accused).

6. Considering the aforesaid facts and circumstances of the case and taking into account that the petitioner was not named in the FIR and his name has surfaced in the statement of co-accused Sonu Kumar in which no specific attribution has been assigned to the petitioner and taking into account the



period of custody, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Nalanda at Biharsharif in connection with Noorsarai P.S. Case No. 448/2023 subject to the conditions :-

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. The petitioner shall not approach the informant or any of the family members or the victim girl to either coerce or threaten during the pendency of the trial.
- d. In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to the cancelled by the court concerned.
- e. The Court below 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 court



below shall take step for cancellation of bail
bond of the petitioner. However, the
acceptance of bail bonds in terms of the afore-
mentioned order shall not be delayed for
purpose of or in the name of verification.

(Sourendra Pandey, J)

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