

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22305 of 2015

Arising Out of PS.Case No. -5 Year- 2015 Thana -KASMA District- AURANGABAD

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1. Gautam Yadav @ Gautam Kumar S/o Sri Arjun Yadav Resident of
Village Pirwari, P.S. Saliya, District Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.28900 of 2015

Arising Out of PS.Case No. -5 Year- 2015 Thana -KASMA District- AURANGABAD

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1. JITENDRA YADAV @ JITENDURA YADAV Son of Sri Kameshwar
Yadav @ Lamboo, Resident of village- Pirwa, P.S.- Salaiya, District-
Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.22305 of 2015)

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Rana Randhir Singh (App)

(In Cr.Misc. No.28900 of 2015)

For the Petitioner/s : Mr. Rajeshwar Singh

For the Opposite Party/s : Mr. Shailendra Kumar No.2 (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 10-09-2015

Heard both sides.

Gautam Yadav @ Gautam Kumar, petitioner in
Criminal Misc. no. 22305 of 2015 and Jitendra Yadav @ Jitendra
Yadav, petitioner in Criminal Misc. No. 28900 of 2015 seek bail
in a case registered for the offences punishable under sections 302,
201 of the Indian Penal Code.



Petitioners are not named in the F.I.R. One dead body was recovered which was later on identified as one of Rupak Kumar. During course of investigation, one Rajesh was apprehended by the police who is said to have confessed his guilt and disclosed that he along with Gautam Kumar and Jitendra Yadav killed Rupak Kumar because he saw him in an objectionable condition with his sister. He also disclosed that he broke the sim of mobile of the deceased. He handed over the mobile and motor cycle to Jitendra Yadav. Jitendra Yadav was also arrested and on his disclosure mobile of the deceased was recovered from his Sasural and motor cycle was recovered from the Khalihan of Guddan Kumar.

It is submitted that save and except the confession, there is no material against Gautam Yadav @ Gautam Kumar.

Learned counsel appearing on behalf of petitioner Jitendra Yadav has submitted that except recovery of motor cycle and mobile of the deceased, there is no material against the petitioner to show that petitioner committed murder of Rupak Kumar.

Learned counsel for the informant as well as learned Additional Public Prosecutor have opposed the prayer for bail. On perusal of the records, it appears that Rajesh confessed his guilt which led to recovery of mobile and motor cycle from

possession of Jitendra Yadav who also confessed his guilt and disclosed the name of Gautam Yadav @ Gautam Kumar. Save and except the confession, there is no material against Gautam Kumar but the mobile and motor cycle of the deceased was recovered from conscious possession of Jitendra Yadav.

Considering the facts aforesaid, prayer for bail of petitioner Jitendra Yadav in connection with Kasma P.S. Case No. 05 of 2015 pending in the court of the learned Chief Judicial Magistrate, Aurangabad is hereby rejected.

So far as the case of petitioner Gautam Yadav @ Gautam Kumar is concerned, except confession there is no material against him. Taking into consideration the facts aforesaid, petitioner Gautam Yadav @ Gautam Kumar is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Kasma P.S. Case No. 05 of 2015.

(Prabhat Kumar Jha, J)

Amin/-

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