

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30753 of 2015

Arising Out of PS.Case No. -23 Year- 2014 Thana -DIDARGANJ District- PATNA

=====

1. Raju Kumar Yadav S/o Bifan Singh resident of village - Jeevan Chak,
P.S Didarganj, District - Patna

2. Guddu Kumar Rai S/o Suresh Singh resident of village - Nattha Chak,
P.S Didarganj, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Amit Prakash

For the Opposite Party/s : Mr. A.A Khan (App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 02-11-2015 Heard learned counsel for the petitioners and learned
A.P.P. representing the State.

The petitioners seek bail in connection with Didarganj
P.S. Case No. 23 of 2014 registered for the offences punishable
under Sections 302/201 of the Indian Penal Code.

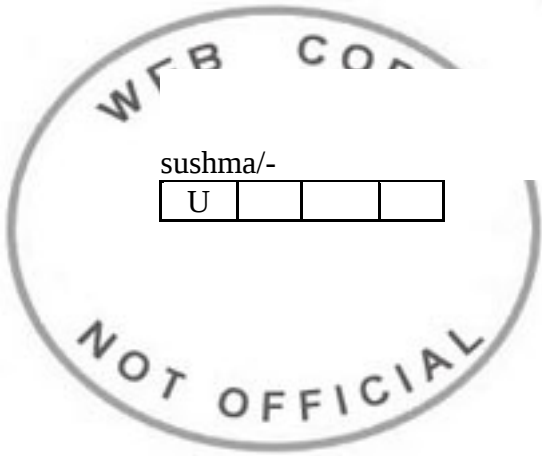
Allegedly Rakesh Kumar, the son of the informant was
lying, having gun shot injury and when he was brought in Ganga
Nursing Home, he was declared dead and a cash of Rs. 40,000/-
was also taken away. During investigation, on the basis of the
confessional statement recorded in Fatuha P.S. Case No. 273 of
2014, the petitioners have been remanded in this case as they have
confessed their guilt regarding participation in this crime also.



Submission is of false implication and that in Para 103 of the case diary, suspicion has been raised against Nitish Kumar and his *Gurudev* but on the basis of confessional statement recorded in another case, the petitioners have been implicated in this case, resulting they are suffering in custody since 02.01.2015. There is no cogent and reliable material against the petitioner and chargesheet has been submitted under Sections 394, 302, 201 of the IPC and Section 27 of the Arms Act and, as such, they deserve sympathetic consideration to which the learned A.P.P. submits that both the petitioners have confessed their guilt.

In the facts and circumstances stated above, considering that there is no recovery except confessional statement of the petitioners and, as such, the petitioners, above named, are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned Additional Sessions Judge III, Patna City arising out of Didarganj P.S. Case No. 23 of 2014 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners will remain present on each and every date during trial and the default on two consecutive dates on their part without any

reason shall disentitle the petitioners from privilege of bail.



(Jitendra Mohan Sharma, J)