



IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30201 of 2014

Arising Out of PS.Case No. -12 Year- 2005 Thana -GANDHIMAIDAN District- PATNA

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Asheesh Kumar @ Munna Yadav, Son of Ramakant Prasad Yadav,
Resident of Mohalla - Banch Ghat, Uttri Mandiri, P.S. Buddha Colony
Dist.-Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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With

Criminal Miscellaneous No.36644 of 2014

Arising Out of PS.Case No. -12 Year- 2005 Thana -GANDHIMAIDAN District- PATNA

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Pankaj Kumar @ Pankaj @ Pankaj Kumar Singh @ Ritesh Kumar, Son of
Raj Kumar Singh, resident of Mohalla- Bans Ghat, North Mandiri, Patna,
P.S.- Budha Colony, District - Patna (Bihar) A/p Mongalia, Rahika,
Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

(In Cr. Misc. No.30201 of 2014)

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

(In Cr. Misc. No.36644 of 2014)

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 09-01-2015 Heard both sides on the bail petitions of Asheesh

Kumar @ Munna Yadav and Pankaj Kumar @ Pankaj @ Pankaj

Kumar Singh, who are accused in Gandhi Maidan P.S. Case No.

12 of 2005, under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Smt. Kamlesh Agrawal lodged a case against unknown for killing of her husband, Surendra Agrawal, while he was coming out of Firdaus Apartment.

Learned counsel for the petitioners submits that there is no evidence to show the involvement of the petitioners except the confessional statements of the petitioners. The petitioners, of course, have got criminal antecedent, but there is no justification in keeping them inside the jail in a case in which there is absolutely no evidence except their confessional statements. The petitioners have confessed their guilt in Anand P.S. Case No. 63/05 and they were remanded in that case.

It appears that except the confessional statements of the co-accused and the petitioners, there is absolutely no evidence and the police did not collect any tangible evidence of involvement of the petitioners in killing Surendra Agrawal. The petitioners are in jail since 23.03.2013.

Considering the facts aforesaid, the petitioners, named above, are directed to be enlarged on bail on furnishing 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, Patna in Gandhi Maidan P.S. Case No. 12 of 2005.



(Prabhat Kumar Jha, J)