

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9920 of 2015

Arising Out of PS.Case No. -319 Year- 2013 Thana -CHERKI District- GAYA

Sanjay Yadav @ Sanjay Kumar Yadav Son of Late Mithlesh Yadav,
Resident of West Shashtri Nagar (Jai Mangla Sadan), Police Station-
Rampur, District- Gaya

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Kanhaiya Pd. Singh, Sr. Advocate.

For the Opposite Party : Mr. R.B.S. Pahepuri (App)

For the Informant : Mr. Krishna Pd. Singh, Sr. Advocate.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 22-05-2015 Heard Mr. Kanhaiya Pd. Singh, Sr. Advocate for the
petitioner and Mr. Krishna Pd. Singh, Sr. Advocate for the
informant and the learned APP.

The petitioner seeks bail in Cherki Bodh Gaya P.S.
Case No. 319 of 2013, registered for the offences punishable
under Section 302 and other Sections of the Indian Penal Code.

The informant brother of the deceased Jai Prakash
Singh @ Bhola is the informant. The informant named Ram
Narayan Sharma, Nagendra Kumar @ Chulbul, Pramod Kumar
Singh and Raju Kumar and alleged that they took his brother.
After sometimes, the informant heard that his brother was killed in
a village situated in Cherki.



It is submitted that the name of the petitioner, of course, surfaced in the further statement of the informant, but informant is not an eye witness of the occurrence and on mere suspicion his name was mentioned. One Manoj Yadav confessed his guilt and disclosed the name of the petitioner. The confession before the police is not at all admissible. The named accused namely Pramod Kumar Singh, Nagendra Kumar @ Chulbul, Ram Narayan Sharma, Sanjay Kumar and Raju Kumar have already been either enlarged on anticipatory bail or regular bail. Except the confession of Manoj Yadav there is no tangible evidence to show the involvement of the petitioner in the killing of Jai Prakash Singh @ Bhola.

On the other hand Shri Krishna Pd. Singh, learned senior counsel as well as the learned APP submitted that Manoj Yadav confessed his guilt and disclosed that how Jai Prakash Singh @ Bhola was killed. In pursuance of the confession the motorcycle of the deceased was recovered from the house of Manoj Yadav.

It is submitted that, of course, confession before the police leading to the recovery part is admissible, but Manoj Yadav disclosed the entire facts as to how Jai Prakash Singh @ Bhola was killed.

It appears that except the confession of Manoj Yadav that too before the police, the police did not collect any tangible evidence to show that the petitioner committed murder of the deceased. The motorcycle of the deceased was also recovered from the possession of Manoj Yadav and no incriminating article was recovered from the possession of the petitioner.

Considering the facts aforesaid, the petitioner above named 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, Gaya in Cherki Bodh Gaya P.S. Case No. 319 of 2013.

(Prabhat Kumar Jha, J.)

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