

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54597 of 2015

Arising Out of PS.Case No. -309 Year- 2013 Thana -GOPALPUR District- BHAGALPUR

1. Chhotu Yadav @ Purusottam Yadav son of Ram Ratti Yadav resident of village - Latra, Police Station - Gopalpur, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Ojha

For the Opposite Party/s : Mr. Md. A.Haque Sahara (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 09-03-2016 Heard the learned counsel for the petitioner as well as the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under section 302/34 of the I.P.C and section 27 of the Arms Act.

Allegedly, Pradeep Kumar Singh, the son of the informant, was shot dead by some miscreants and accordingly FIR was registered against unknown. During investigation on the basis of the information furnished by the spy the name of the petitioner and other co-accused transpired and thereafter the petitioner confessed his guilt stating as to how Pradeep Kumar Singh was murdered and further other co-accused has also confessed his guilt. In the re-statement the informant and other witnesses also

stated the name of the petitioner thereafter.

Submission is of false implication and that no one has seen the occurrence and only on suspicion the petitioner has been named, the information furnished by the spy of the police and the alleged confessional statement have got no evidentiary value in the eye of law, the statement of the informant and other witnesses after long lapse of time are not reliable, in this case co-accused Santosh Singh @ Santosh Kumar Singh has been allowed pre-arrest bail, whereas, other co-accused Sajan Singh @ Ankit Singh has been allowed regular bail and the petitioner is suffering in custody since 18.04.2015.

The learned A.P.P. opposes prayer for bail by submitting that the petitioner has got criminal antecedent.

In the facts and circumstances as stated above, considering detention of the petitioner, now he is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M. Naugachia in Gopalpur P.S. Case No. 309 of 2013, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial

and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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