

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9312 of 2017

Arising Out of PS.Case No. -58 Year- 2015 Thana -RAJNAGAR District- MADHUBANI

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1. Jitendra Kumar Yadav Son of Sibnandan Yadav Resident of Village
Bikramsher, P.S. Babubarhi, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 11-04-2017

Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

Petitioner is languishing in custody for the offences punishable under Sections 363/376D/302/201/34 of the Indian Penal Code and Section 4 of the POCSO Act.

None has seen the actual killing of the deceased but the petitioner is under suspicion because he was in one-sided love with the deceased. During investigation the petitioner confessed before the police his guilt as well as name of the co-culprit in association wherewith the petitioner and others committed rape on the victim and thereafter strangulated to death. The other persons, whose name appeared in the confessional statement of the petitioner, namely, Sanjeev Kumar Yadav and Krishna Mohan Yadav, have already been allowed bail by two



different Benches of this Court in Cr. Misc. No.20097 of 2016 and Cr. Misc. No.17620 of 2016 vide Annexure-2 series.

Submission of the petitioner is that the only material against the petitioner is confession before the police, which has no evidentiary value in the eyes of law and the occurrence alleged have not been seen by anyone.

Learned counsel for the informant opposed the prayer for bail on the ground that several witnesses have stated before the police regarding the past conduct of the petitioner with the deceased, which gave rise to strong suspicion against the petitioner.

Considering the entire facts and circumstances, let petitioner, above named, 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 learned 1st Additional Sessions Judge, Madhubani/Successor Court, in connection with Rajnagar P.S. Case No.58 of 2015, with condition that petitioner shall fully cooperate with the investigation and trial of the case, failing which the Court-below shall be at liberty to take steps for cancellation of the bail-bonds of the petitioner in this case.

(Birendra Kumar, J)

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