

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17071 of 2017

Arising Out of PS.Case No. -216 Year- 2016 Thana -BARHARA District- BHOJPUR

=====

Manoj Kumar Yadav, S/o Dhuran Yadav, Resident of Village- Bela, P.S.-
Ara (M), District- Bhojpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Rajani Ranjan Pd. Singh, Advocate

For the Opposite Party : Mr. Sri Rajballabh Singh (APP)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 04-07-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Barhara
(Krishnagarh) P.S Case No. 216 of 2016 registered for the offence
punishable under Section 302 of the Indian Penal Code and
Section 27 of Arms Act.

The brother of the informant was killed by unknown
miscreants and the name of the petitioner transpired on his
confessions statement as well as in the statement of witnesses
Sangita Devi and Arun Kumar Singh, who stated that due to
suspicion that the deceased got arrested Bhim Yadav and, as such,
the petitioner and others being associates of the gang of Bhim
Yadav, killed the deceased after making conspiracy.



Submission is of false implication and that there is no legal and cogent material against the petitioner, the petitioner without any fault is suffering in custody since 23.07.2016. The statement of two witnesses are only based on suspicion, they are not the eye-witnesses, the confessional statement of the petitioner has been got recorded by adopting third degree method, co-accused Bhim Yadav has already been granted bail by the learned court below itself and, as such, the petitioner deserves sympathetic consideration.

Learned A.P.P. opposes the prayer of bail by submitting that besides statement of two witnesses, the petitioner has confessed his guilt also.

In the facts and circumstances stated above, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara, in connection with Barhara (Krishnagarh) P.S. Case No. 216 of 2016, 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)

Rajiv/-

U		T	
---	--	---	--

