

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33873 of 2018

Arising Out of PS.Case No. -230 Year- 2017 Thana -BHAGWANPUR District- BEGUSARAI

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1. Manoj Yadav, S/o Baiju Yadav, Resident of Village Bhagwanpur, P.S. -
Bhagwanpur, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Singh

For the Opposite Party/s : Smt. Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 28-08-2018 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302 and 201/34 of the Indian
Penal Code.

Murder of the two sons of the informant was
committed and on recovery of the dead body, FIR was lodged with
allegation against the petitioner and others that they took one of
the deceaseds Ram Lal Kumar pretending that they were to pay
back the dues amount of Ram Lal Kumar. Though the informant
was insisting for visit on next day but Ram Lal Kumar was taken
away by the named accused persons including the petitioner
saying that they are going to pay back money on the same day.
Thereafter another brother of Ram Lal Kumar also followed at the



place. They all reached at the poultry farm run by Roshan Chaudhary and this petitioner as partner. At that place both the deceased were bitterly assaulted and throttled to death as admitted by co-accused in his confessional statement.

Learned counsel for the petitioner submits that, save and except, suspicion and confession of the co-accused before the police which is no evidence in the eyes of law, there is no other material against the petitioner. Petitioner is in custody since 14.12.2017 and the petitioner has got no criminal antecedent. He further submits that co-accused Jhunna Chaudhary @ Jhunnu Chaudhary, against whom identical material is there collected during investigation, has already been allowed bail by a Coordinate Bench of this Court vide order dated 08.08.2018 passed in Cr. Misc. No. 33937 of 2018.

Learned counsel for the informant opposed the prayer for bail on the ground of seriousness of the allegation of murder of two person and strong material against the petitioner and others which would be corroborated by the confessional statement of co-accused. Further submits that the trial is going on and the prosecution will take all the steps for early conclusion of the trial.

Considering the nature of material against the



petitioner as discussed above as well as grant of bail to co-accused Jhunna Chaudhary @ Jhunnu Chaudhary by a Coordinate Bench, in my view, the petitioner deserves bail, hence, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bhagwanpur Police Station Case No. 230 of 2017, subject to the condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

(Birendra Kumar, J)

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