

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38108 of 2018

Arising Out of PS. Case No.-164 Year-2016 Thana- SONO District- Jamui

=====

Sudhir Kumar @ Sudhir Yadav, Son of Dhobi Yadav, Resident of Village-
Panhbarwa, P.S. Khiara, Dist.- Jamui.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Rajendra Singh Shastriji, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-07-2018 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

Petitioner seeks bail in connection with Sono
(Charkhapathar) P.S. Case No. 164 of 2016 registered for the
offence punishable under Sections 302/34 of the Indian Penal
Code, Section 27 of the Arms Act and Sections 16, 17, 18, 19,
20, 21, 22 of U.A.P. Act.

The prosecution case, as lodged by the informant, is
that his brother-in-law, Kunal Yadav, who worked as a petty
contractor for one Ashok Singh of Jamui, has been killed by the
petitioner and two others. This information the informant got
through local people. The petitioner along with two other
persons had taken away the informant's brother-in-law.
Thereafter he did not return.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal antecedent and one co-accused Bharat Yadav in Sono P.S. Case No. 97 of 2017 has taken the responsibility of the naxalites to have killed Kunal Yadav. He submits that even the seizure list shows some used cartridges and three red pamphlets of Maoists. It is further submitted that the confessional statement of the petitioner before the police has no evidentiary value in the eye of law and that the petitioner is languishing in judicial custody since 03.12.2017 and that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner. He submits that one of the co-accused named along with the petitioner has been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 16030 of 2018 vide order dated 21.03.2018.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Jamui in connection with Sono (Charkapathar) P.S. Case No.



164 of 2016, subject to the conditions that:

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

Arjun/Ragini

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

