

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14332 of 2019

Arising Out of PS. Case No.-13 Year-2018 Thana- JAIPUR District- Banka *

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Pankaj Yadav @ Pankaj Kumar Yadav @ Pankaj Kumar, Son of Shankar
Yadav, Resident of Village - Dighibandh, P.S. Jaipur, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad

For the Opposite Party/s : Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 08-03-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is languishing in custody since 25.10.2018
in a case registered for the offences punishable under Sections
302, 201 and 120(B) of the IPC.

The prosecution case, as per the fardbeyan of Pabalu
Yadav, recorded by Rakesh Kumar, S.I.-cum-S.H.O., Jaipur P.S.
dated 11.04.2018 at 10.00 P.M., is to the effect that on the same
day at 09.00 P.M., co-villagers informed the informant that the
dead body of his son, Khemlal Yadav is lying near the
Kalyanpur Road. Subsequently, the informant along with other



co-villagers reached there and found the dead body of his son. Thereafter, the villagers also informed the police, leading to registration of FIR against four accused persons including the petitioner. It is further alleged that the son of the informant had some business dispute with the accused persons, including the petitioner. Hence, it is suspected that all the accused persons including the petitioner killed the son of the informant.

It is submitted by learned counsel for the petitioner that the informant is not an eye witness to the alleged occurrence and only on the basis of suspicion, the accusation has been levelled against the petitioner. It is further submitted that on the basis of confession made by co-accused, Dablu Yadav, the motorcycle of the deceased and some other incriminating articles have been recovered from the house of co-accused, Kishan Yadav and nothing has been recovered from the possession of the petitioner. Moreover, similarly situated co-accused, Kishan Yadav has been granted bail by Co-ordinate Bench of this Court, vide order dated 11.12.2018, passed in Cr. Misc. No. 62083 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that though the petitioner is named in the FIR, but only on the basis of



suspicion, the accusation has been levelled against the petitioner.

Considering the fact that the accusation is based on suspicion, similarly situated co-accused has been granted bail by Co-ordinate Bench of this Court, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned **Additional Sessions Judge-II, Banka** in connection with **S.T. No.436 of 2018** arising out of **Jaipur P.S. Case No. 13 of 2018**.

(Dinesh Kumar Singh, J)

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