

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12103 of 2019

Arising Out of PS. Case No.-75 Year-2016 Thana- DHANARUA District- Patna

Vinay Kumar S/o Sri Chandradeo Prasad @ Chandradeo Yadav, Resident of
Village- Patharhat, P.S.- Dhanarua, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 03-04-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

Petitioner had earlier moved for bail which was
rejected vide order dated 03.08.2017 in Cr. Misc. No. 28773 of
2017.

Petitioner is languishing in judicial custody since
23.02.2016 in connection with Sessions Trial No. 26 of 2017
arising out of Dhanarua P.S. Case No. 75 of 2016 for offences
punishable under Sections 302, 201, 120(B) of the Indian Penal
Code.

The prosecution case as lodged by the Dafadar is that
two dead bodies were found without head as per the information
given, from the wheat field of Birendra Yadav. The two
deceased were found naked with scratch marks all over the



body.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the F.I.R. and his name surfaced on the confessional statement of co-accused Kapil Yadav whose daughter was having love affair with one of the deceased who was identified later. He further submits that as per the perusal of the impugned order rejecting his bail by the learned court below only 5 witnesses out of 10 witnesses have been examined so far and that the petitioner is languishing in judicial custody since more than three years. Petitioner undertakes to cooperate in the trial on day to day basis.

However, learned APP for the State opposes the prayer for bail stating therein that on the confessional statement of co-accused Kapil Yadav, the petitioner was made accused who has also confessed his involvement in the alleged occurrence.

Considering the nature of allegations and the period of custody and that trial has not made much headway, let the 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 the learned Additional District Judge-VII, Patna in connection with Sessions Trial No. 26 of



2017 arising out of Dhanarua P.S. Case No. 75 of 2016, subject to the conditions:-

(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)

devendra/priyanka

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