

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13333 of 2019

Arising Out of PS. Case No.-263 Year-2018 Thana- OBRA District- Aurangabad

Rishu Yadav, son of Late Dinesh Singh, Resident of Village - Koraipur, P.S.-
Obra, Distt - Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-03-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is languishing in custody since
13.12.2018 in connection with Obra P.S. Case No.263 of 2018
registered for the offences punishable under Sections 302, 34 of the
Indian Penal Code and Section 27 of the Arms Act.

Prosecution case as per the written report of Lalan Tiwari
dated 06.12.2018 submitted to S.H.O. Obra P.S. is to the effect that
on 05.12.2018, the son of the informant Ravi Ranjan Tiwary @
Pappu Tiwary was sleeping in the cattle shed. In the next morning,
when the informant woke up, he found that his son was dead having
bleeding injury, leading to registration of FIR against unknown.
During investigation, the Sepoy disclosed the name of four persons,
namely, Santosh Yadav, Deepak Kumar, Raj Kumar and Rishu
Yadav, the petitioner. It is alleged that subsequently, the petitioner
and co-accused were apprehended and they confessed about the



commission of offence.

It is submitted by learned counsel for the petitioner that admittedly, there is no eye witness to the occurrence. The informant has not even raised suspicion against the petitioner in the FIR. On the basis of information received from the Sepoy, the petitioner has been roped in the present case. It is further submitted that confession of the petitioner before the police has no meaning as there is no any recovery substantiating the confession of the petitioner. Petitioner is accused in one other case in which he is on bail.

Learned A.P.P. has vehemently opposed the prayer for bail and submits that the name of the petitioner sprang up during investigation and he has confessed his guilt.

Considering the fact that the petitioner's name sprang up on the basis of confession and investigation has already concluded, let the above named petitioner 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 learned S.D.J.M., Daudnagar, District-Aurangabad in connection with Obra P.S. Case No.263 of 2018.

(Dinesh Kumar Singh, J)

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