

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25813 of 2019

Arising Out of PS. Case No.-325 Year-2018 Thana- DEEPNAGAR District- Nalanda

MOTIN YADAV @ AJIT YADAV, Son of Rambriksh Yadav, Resident of
Village- Makduyane, P.S.- Manpur, District- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 02-05-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
02.02.2019 in connection with Deepnagar P.S. Case No. 325 of
2018 for offences punishable under Sections 302/34 of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as lodged by the informant is
that while he was sleeping along with his brother on the terrace
and his father Gopi Yadav was sleeping in his Dalan, about 15-
20 persons armed with rifle and pistol came and co-accused
Kishore Paswan and Nawal Paswan fired on his father while
Subodh Paswan and Dilip Paswan caught hold of his father who
died on the spot.

It has been submitted by the learned counsel for the



petitioner that he is innocent, not named in the F.I.R. and has falsely been implicated in the aforesaid case on the basis of his own confessional statement before the police which appears in para-18 of the case diary as evident from the impugned order. He submits that another co-accused on similar allegation has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 24722 of 2019 dated 22.04.2019. He submits that there is no direct and specific allegation against the petitioner and the confessional statement before the police has no evidentiary value in the eye of law.

However, learned counsel for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and four more cases in which one of similar nature is pending against him.

Considering the materials on record and that another co-accused on similar allegation has been granted the privilege of bail, 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 Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Deepnagar P.S. Case No. 325 of 2018, 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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