

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30514 of 2019

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

AJAY KUMAR, aged about 37 years, Male, S/O Sri Chandradeo Prasad @
Chandradeo Yadav Resident of Village- Patharhat, P.S.- Dhanarua, District-
Patna ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Kumar Sinha, Adv.

For the Opposite Party : Mr. Gulnar Begum, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-05-2019 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since
25.02.2016 in connection with S. Tr. No. 26 of 2017 arising out
of Dhanarua P.S. Case No. 75 of 2016 for the offences alleged
under Sections 302, 201 and 120B of the Indian Penal Code.

The prosecution case, as lodged by the Dafadar, is that
two dead bodies were found without head from the field of one
Birendra Yadav. The dead bodies were found naked with
scratches all over body.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the first information
report, bears no criminal antecedent and his name surfaced on
the confessional statement of co-accused, Kapil Yadav, who
confessed before the police that he along with the petitioner and



other co-accused have killed the paramour of his daughter. Learned counsel for the petitioner, further, submits that one of the co-accused on similar allegation has been granted the privilege of bail by this Court in Cr. Misc. No. 12103 of 2019, dated 03.04.2019, on the ground that the said accused had been languishing in judicial custody since more than three years and only five witnesses out of ten witnesses have been examined so far. He submits that there is no eye witness to the alleged occurrence and it is only on the basis of the confessional statement of the co-accused without any substantial evidence the petitioner has been made accused in the present case.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations, the period of custody and that trial has not made much head-way coupled with the fact that on similar allegation co-accused has been granted the privilege of bail, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with S. Tr. No. 26 of 2017 arising out of Dhanarua P.S. Case No. 75 of 2016 to the satisfaction of the learned Additional District Judge, VII, Patna, or the successor Court,



subject to the following conditions :

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

(ii) 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)

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