

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44191 of 2019

Arising Out of PS. Case No.-24 Year-2019 Thana- BAIKUNTHPUR District- Gopalganj

BIRENDRA PRASAD YADAV @ BIRENDRA PRASAD @ BIRENDRA
KUMAR Son of Late Inar Prasad Yadav. Resident of Village - Pipra, P.S.-
Baikunthpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Naresh Chandra Verma, Advocate Mr. Natraj Verma, Advocate
For the State	:	Mr. Choubey Jawahar, Advocate
For the Informant	:	Mr Arun Kumar Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 26-09-2019 Heard learned counsel for the petitioner and learned
APP for the State, assisted by learned counsel for the informant.

Petitioner seeks bail in a case registered for the
offence punishable under Section 363 of the Indian Penal Code.

The son of the informant was found missing from
27.01.2019 and F.I.R. was lodged on 28.01.2019 against
unknown. During investigation, it revealed that co-accused, Sonu
Kumar demanded ransom from the informant for release of the
victim boy and on non-fulfillment of the demand, murder of the
victim was committed by him. The material against the
petitioner is that the sim card purchased in the name of the petitioner
was used in the mobile phone of Sonu and Sonu had demanded
ransom from that sim number. Petitioner has got no criminal



antecedent.

Learned counsel for the informant opposed the prayer for bail only on the basis of confession of the petitioner and co-accused, Sonu before the Police.

Confession before the Police cannot be proved against the accused in view of bar contained under Sections 25 and 26 of the Indian Evidence Act. Hence, there is no substantial material against the petitioner to refuse the prayer for bail of the petitioner as under trial prisoner. Hence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Baikunthpur Police Station Case No.24 of 2019, subject to condition that *both the bailors shall be resident of the territorial jurisdiction of the learned court below and the petitioner shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.*

(Birendra Kumar, J)

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