

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21009 of 2020**

Arising Out of PS. Case No.-392 Year-2018 Thana- DAUDNAGAR District- Aurangabad

Kundan Yadav @ Kundan Lal Yadav, aged about 43 years, Gender Male, son of Bisundeo Yadav @ Visunadev Yadav, Resident of Village - Datubigha, P.S. - Deo, District - Aurangabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Prashant Kumar, Advocate
For the Opposite Party : Mr.Uma Nath Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER**

3 20-08-2020 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

The petitioner is in custody in connection with Daudnagar P.S. Case No. 392 of 2018 for the offence under Section 364/34 of the Indian Penal Code and Sections 302, 201 and 120B of the IPC were subsequently added.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and his name surfaced in this case during course of investigation on the confessional statement of co-accused Ayush Kumar @ Kamlesh Kumar. Learned counsel submits that no one has seen the occurrence. The informant in her statement has disclosed that her son was in the company of Dablu Kumar on the eve of *Chhat* on return. He



further submits that except for confessional statement of the co-accused, there is absolutely no material to connect the petitioner with the commission of crime. Learned counsel submits that the person (Ayush Kumar @ Kamlesh Kumar), who has disclosed the name of the petitioner, has been granted bail by a Bench of this Court vide order dated 01.06.2020 passed in Cr Misc. No. 7724 of 2020. Other accused persons have also been granted bail. Petitioner is in custody since 20.01.2020.

Considering the fact that no one has even seen the petitioner in the company of the missing son of the informant and considering the facts and circumstances discussed above, the Court is inclined to grant bail to him. The petitioner, named above, is directed to be released on bail on furnishing bail bonds of Rs.50,000/- (Rupees fifty thousand) with two sureties of the like amount each to the satisfaction of S.D.J.M., Aurangabad in connection with Daudnagar P.S. Case No. 392 of 2018.

(Anil Kumar Upadhyay, J)

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