

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23673 of 2020

Arising Out of PS. Case No.-511 Year-2019 Thana- BODHGAYA District- Gaya

KAPIL YADAV, Son of Sateendra Yadav, Resident of Village- Sirirampur,
P.S.- Fatehpur, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Deep Nishi
For the Opposite Party/s	:	Mr.Umanath Mishra
For the Informant	:	Md.Shekh Arkan Ahmad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-10-2020 Heard the parties through virtual court proceedings.

Since the physical court proceeding is non-functional,
due to present pandemic, COVID-19, the matter is listed with
defects.

Learned counsel for the petitioner undertakes to
remove the defects as pointed out by the office within three
weeks of normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 396 of the Indian Penal Code
and 27 of the Arms Act.

The prosecution case in brief is that six unknown
persons on 25.11.2019 looted 6 lakh rupees from deceased and



while committing robbery killed the deceased Abdul Rashid by bullet firing on his neck. It is also alleged that robbers threatened to kill the informant and others while committing the offence.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner has no knowledge regarding the loot and murder of the Abdul Rashid and petitioner was not put on T.I.P. except the confessional statement of co-accused. The petitioner is in jail custody since 02.12.2019 and has got no criminal antecedent.

Learned APP for the State opposes the prayer for bail petition.

Perused the FIR, and case diary and considered the submissions made on behalf of both the parties. Witnesses in paragraph 2, 6,13, 14 of case diary have corroborated the incident that the deceased Abdul Rashid was looted and killed on the date of occurrence by unknown persons. As per paragraph 35 of the case diary on the basis of CDR & Mobile Tower location accused Santosh Chaudhary and Kapil Yadav (petitioner) were found present on the place of occurrence and they were sharing the location of deceased. In paragraph 41 of



the case diary petitioner has confessed his involvement in the occurrence. Another accused Santosh Yadav from whose possession country made gun and cartridges have recovered, has also confessed his involvement along with other accused persons in the occurrence in paragraph 46 of the case diary. Later on looted money and other articles were also recovered as stated in paragraph 48 and 50 of the case diary on the identification of accused Santosh Prasad @ Santosh Chaudhary.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected in connection with Bodh Gaya P.S. Case No. 511 of 2019 from the Court of learned Chief Judicial Magistrate, Gaya.

This application is dismissed accordingly.

(Anjani Kumar Sharan, J)

amitkumar/-

U		T	
---	--	---	--

