

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34071 of 2020

Arising Out of PS. Case No.-29 Year-2020 Thana- VISHNUPAD District- Gaya

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TIREL YADAV @ SUJEET KUMAR Son of Jairam Yadav Resident of
Mohalla- Gewalbigha, P.S.- Rampur, District- Gaya.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sandeep Kumar

Mr. Anuj Kumar

For the Opposite Party : Mr. Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

9 12-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for grant of regular bail arises out of Vishnupad P.S. Case No. 29 of 2020, registered for the offence punishable under Section 302/34 of the Indian Penal Code, Section 227 of the Arms Act and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

By an order of this Court dated 08.02.2021, report was called for from the court below as regards present stage of the trial arising out of aforesaid case. A report has been received, from which it transpires that the case is fixed for framing of the charge. The petitioner is in custody in the present case on remand from 23.06.2020. He has criminal antecedent as is apparent from the statement made in paragraph 3 of the



application, which reads as under : -

“Rampur P.S. Case No. 169 of 2015, registered under Sections 399, 402 of the Indian Penal Code and 25(1-B)a, 26(2) of the Arms Act, Tankuppa P.S. Case No. 87 of 2019, registered under Sections 302, 201, 120-B, 216 of the Indian Penal Code and Bodh Gaya P.S. Case No. 131 of 2013, registered under Sections 399, 402 of the Indian Penal Code and under section 25(1-B)a, 26 of the Arms Act.”

Case diary has been called for, which is there on record.

Mr. Sandeep Kumar, learned counsel appearing on behalf of the petitioner has argued that it is not in dispute that the petitioner was in judicial custody on the date of occurrence. He has submitted that he has been implicated in the present case on the basis of so-called confessional statements of some of the co-accused persons, whose names surfaced during the course of investigation. According to him, the petitioner has been falsely implicated in the present case because of his implication in other criminal cases.

I have perused the case diary. It is the prosecution's case that the miscreants were demanding extortion money from the informant's brother, the deceased, who ran a shroud shop near a crematory ground. He was assaulted on refusal, been taken towards a nearby river and was subsequently killed.



It is submitted on behalf of the petitioner that he has been implicated in this case for the only reason that allegedly he was in contact with the deceased through mobile phone and he had talked to the deceased soon before the occurrence. He has further contended that the investigation does not display any motive of the petitioner for his involvement in commission of the crime nor there is any material worth evidence to conclude that he was using the said mobile phone in jail.

On perusal of the case diary, I find substance in submission made on behalf of the petitioner for the purpose of present application.

Considering the above, this application is allowed.

Let the petitioner, above named, be released 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 Special Excise Court, Gaya, in Vishnupad P.S. Case No. 29 of 2020.

(Chakradhari Sharan Singh, J)

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