

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35462 of 2020

Arising Out of PS. Case No.-210 Year-2018 Thana- KHAIRA District- Jamui

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TULSI SAH SON OF LATE BABULAL SAH RESIDENT OF VILLAGE -
RAJAUN, P.S. - KHAIRA, DISTT.-JAMUI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Choudhary with Ms.Akshansh Ankit
For the Opposite Party/s	:	Mr.Harendra Prasad, APP Mr. Rajendra Nath Jha

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 25-03-2021 Heard learned counsel for the parties.

This application for grant of regular bail arises out of Khaira P.S. Case No. 210 of 2018 (G.R. No. 1574A/2018), disclosing offences punishable under Sections 147, 148, 149, 458, 341, 342,323,324,302,506,120B of the Indian Penal Code and Sections 16,17,18,19,20,21 and 22 of the Unlawful Activities (Prevention) Act, 1967.

The petitioner was apprehended on 06.01.2020 and he had been remanded to judicial custody on 07.01.2020.

According to the prosecution's case, many persons variously armed some of them carrying sophisticated weapons, entered into the house of one Ritlal Yadav, the deceased,



whereafter Ritlal Yadav, his son and grandson were forcibly dragged out of the house. Ritlal Yadav, (deceased) was subsequently shot dead by the miscreants. Occurrence is said to have taken place at 10 P.M. The petitioner was not named in the First Information Report, though 28 persons were named.

Case diary has been called for from which it transpires that allegedly confessional statement of the petitioner was recorded by the police.

Learned counsel appearing on behalf of the petitioner has submitted that except for the confessional statement, there is absolutely no material against the petitioner collected in course of investigation. He has further argued that even according to the confessional statement, the petitioner had not participated in the commission of the crime, rather allegedly he was acting from behind in Naxalites operation, leading to killing of the deceased. It has further been submitted that the petitioner has no criminal antecedent.

On perusal of the case diary, I find substance in the submission made on behalf of the petitioner. 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
Chief Judicial Magistrate, Jamui in Khaira P.S. Case No. 210 of
2018 (G.R. No. 1574A/2018).

(Chakradhari Sharan Singh, J)

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