

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37590 of 2020

Arising Out of PS. Case No.-250 Year-2019 Thana- DHARHARA District- Munger

Kaseli Yadav @ Deepak Kumar, aged about 21 years, male, S/o Rambalak Yadav, R/o village- Chharrapatti, P.S.- Ddharhara, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Kumar Choudhary, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 08-03-2021

Heard Mr. Raj Kumar Choudhary, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Dharhara (Hemjapur) PS Case No. 250 of 2019 dated 06.12.2019, instituted under Sections 302 of the Indian Penal Code and 27 of the Arms Act, 1959.

3. The petitioner, though not named in the FIR, is accused of being party to the killing of the son of the informant.

4. Learned counsel for the petitioner submitted that only on the confessional statement of co-accused as well as the sole named accused, he has been implicated. Learned counsel submitted that there has been no recovery from him and that he



does not have any criminal antecedent. It was submitted that even in the confessional statement, the firing made on the deceased which has resulted in three gunshot injuries, is not attributed to the petitioner, and the only allegation is that he was part of the conspiracy. It was submitted that the petitioner is in custody since 10.06.2020. Learned counsel submitted that co-accused Vikash Kumar Yadav @ Vikash has been granted bail by a coordinate bench by order dated 03.06.2020 in Cr. Misc. No. 17664 of 2020.

5. Learned APP, from the case diary, submitted that the police have given details with regard to the role and even in the confessional statement of co-accused he is said to have actively played a role in the murder, which was pre-planned. It was further submitted that the petitioner is part of a gang which is involved in demand of extortion money.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger in Dharhara (Hemjapur) PS Case No. 250 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the



bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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