

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.164 of 2021**

Arising Out of PS. Case No.-188 Year-2019 Thana- BUDDHACOLONY District- Patna

BHOLA YADAV Son of SHYAM BABU RAI Resident of Village - Sotachak,
P.S. - Parsa Bazar, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr.Adv.
Mr.Sarvan Kumar, Adv.
For the Opposite Party/s : Mr.Arun Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 15-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned senior counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Budha Colony P.S. Case No.188/2019 registered for the offences punishable under Section 302 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution story in brief is that the informant namely Moti Rai gave his fardbeyan before the S.I. of Budha Colony Police Station alleging therein that on 27.05.2019 son of informant namely Ravi Rai was returning back from Krishna



Nagar Park, in the meantime at about 5.45 pm some unknown miscreants shot at informant's son near Jaikunj Apartment as a result of which the informant's son died.

Learned counsel for the petitioner submits that the First Information Report is against unknown. In course of investigation police arrested the co-accused Aditya Kumar who made a confessional statement in police custody and in his statement he has disclosed the name of this petitioner as an accomplice. Save and except the said confessional statement there is no other material to connect this petitioner with the present case. The confessional statement has not led to any recovery.

It is further submitted that the co-accused Aditya Kumar has been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.69203/2019. This petitioner is said to be in custody in connection with this case since 25.02.2020, investigation against him is complete but the trial is not likely to take place in near future. In the four cases stated against this petitioner he is said to be on bail in three cases whereas his prayer for bail in one case is pending before the learned coordinate Bench of this Court.

On the other hand, learned APP for the State has



opposed the prayer for regular bail of the petitioner. He has received the case diary, however, in course of his submissions, learned APP has not pointed out any other and further material save and except the confessional statement of the co-accused.

Considering the aforesaid facts and circumstances, there being no other material except the confessional statement of the co-accused who has already been granted bail by a learned coordinate Bench of this Court, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Judge-II-cum-A.C.J.M., Patna in connection with Budha Colony P.S. Case No.188 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from



disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

