

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3670 of 2021

Arising Out of PS. Case No.-93 Year-2020 Thana- CHANDRADIP District- Jamui

1. BIBHISHAN YADAV @ BIBHISHAN KUMAR Son of MAHADEO YADAV Resident of Village - Bhaluana, P.S. - Chandradeep, District - Jamui.
2. PUKARI YADAV Son of LATE NARESH YADAV Resident of Village - Bhaluana, P.S. - Chandradeep, District - Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
		Mr. Umesh Prasad, Advocate
For the Opposite Party/s	:	Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 09-09-2021 Heard Mr. Krishna Prasad Singh, learned Senior Advocate for the petitioners and Mr. Mukeshwar Dayal, learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Jamui P.S. Case No. 93 of 2020 dated 01.07.2020 instituted for the offences under Sections 147, 148, 149 and 302 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3/4 of the Explosive Substances Act.

The accusation in the FIR is that the brother of



the informant was killed because of bomb explosion caused by the named accused persons.

Learned counsel for the petitioners has submitted that even though the petitioners are the co-villagers of the informant and the deceased but they have not been named in the FIR. During the course of investigation, two persons are said to have been named by some of the witnesses viz. Pawan Kumar and Mukesh Kumar. Pawan Kumar was also arrested and he, in his confession, has named the petitioners.

The learned counsel for the petitioner has submitted that the confession of a co-accused is no material in the eyes of law. Had the petitioners taken part in the occurrence, they would surely have been named in the FIR.

The petitioners have clean antecedents.

Regard being had to the aforesaid facts viz. the accusation of the petitioner only on the basis of confession of co-accused persons, they are directed to



be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate- 1st Jamui in connection with Jamui P.S. Case No. 93 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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