

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6253 of 2021**

Arising Out of PS. Case No.-331 Year-2020 Thana- BRAHMPUR District- Buxar

=====

SUNIL KUMAR YADAV SON OF BHRIGUNATH YADAV R/O VILLAGE-
JAVAHI DIAR (MAHAJI DERA), P.S.- HALDI, DISTRICT- BALIA (U.P.).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Rang Nath Choubey, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

=====

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

5 03-08-2021 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 counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Brahmpur P.S. Case No. 331 of 2020 registered

for the offences punishable under Sections 302/34 of the Indian

Penal Code.

As per the prosecution story, the informant alleged

that his son was not present at house after 9.00 pm on

24.06.2020. The informant got information at about 4.00 am on

the next day that a dead body has been found near dam and after

that one Ramji Yadav called on his mobile and informed him that dead body of his son is lying near dam. The informant reached there and saw dead body of his son. The informant alleges that at about 9.00 pm on the previous night three persons had come and were talking to his son.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that there is no eye-witness to the alleged occurrence and police has extracted his confessional statement forcefully. Learned counsel submits that the petitioner is in custody since 28.06.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this Court has noticed from the materials placed before it that there is no eye-witness to the alleged occurrence, a confessional statement of the petitioner has been recorded in police custody, the deceased was allegedly involved in the act of loot with the co-accused and there had been some dispute over distribution of the booty and for that reason he was called and allegedly co-accused Kamlesh Yadav had fired upon the deceased and save and accept the confessional statement of

the petitioner, no other material has been brought in course of investigation, the petitioner is the own cousin brother of the deceased and he has remained in jail since 28.06.2020, investigation against him is complete, he has otherwise no criminal antecedent, let 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 Chief Judicial Magistrate, Buxar in connection with Brahmpur P.S. Case No. 331 of 2020 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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rishi/-

U		T	
---	--	---	--

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'.