

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10491 of 2022

Arising Out of PS. Case No.-404 Year-2018 Thana- DINARA District- Rohtas

JAY PRAKASH YADAV Son of Late Vinay Yadav Resident of Village-
Belwainya, P.S.- Dinara (Bhanas), District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh
For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 24-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Dinara
(Banas) P.S. Case No. 404 of 2018 registered for the offence
under Sections 147/148/149/323/379/307/504/34 of the Indian
Penal Code and subsequently section 302 of I.P.C. was added.

The accused/petitioner is not named in the F.I.R. and
is in custody since 12.08.2021.

The allegation against the petitioner is to commit
murder of the friend of the informant along with other co-
accused persons, equipped with deadly weapons like *lathi*, rod,
etc.



Learned counsel appearing on behalf of the petitioner submitted that the petitioner is not named in the FIR and his name surfaced on the basis of confessional statement of co-accused, namely, Piyush Kumar, who has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 633 of 2020 dated 29.05.2022. It is also submitted that in furtherance of said confession, no incriminating material recovered/surfaced during course of the investigation, which may connect the petitioner, *prima-facie*, with the present set of occurrence. It is also pointed out that the petitioner is involved in the present case only for the reason, as his name involved in other 03 (three) criminal cases. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as nothing incriminating material recovered/surfaced during course of investigation, which may connect the petitioner, *prima-facie*, with the present set of occurrence,



coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Dinara (Banas) P.S. Case No. 404 of 2018 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-II, Bikramganj, Rohtas/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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