

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12456 of 2022

Arising Out of PS. Case No.-24 Year-2019 Thana- BHAWANIPUR District- Purnia

Aditya Kumar @ Babloo Yadav aged about 25 years, S/o Biro Yadav @ Janardhan Yadav R/o Village - Dhuriya, Ward No. 9, P.S. - Chausa, District - Madhepura.

... .. Petitioner/s

Versus

The state of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rupesh Kumar, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-07-2022 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 Bhawanipur (Akbarpur O.P.) Case No. 24 of 2019, registered for the offence under Sections 302, 201 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 10.12.2021.

The allegation against the petitioner is to commit murder of one unknown person, alongwith other co-accused persons.



Learned counsel appearing on behalf of the petitioner submitted that the informant is not the eye witness of the occurrence and the name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Gobind Kumar, who has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 47638 of 2019 dated 02.08.2019 and in furtherance of the said confessional statement, nothing incriminating recovered during the course of investigation, which may incriminate or connect the petitioner with the present set of occurrence. It is pointed out that petitioner is involved in four other criminal cases, out of which he is on bail in three cases and in most of the cases, the name of the petitioner surfaced on the basis of confessional statement, as of present. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that petitioner is not named in the F.I.R.

Considering the facts and circumstances as mentioned above, as the name of the petitioner surfaced on the basis of



confessional statement, leading no recovery, which may incriminate or connect the petitioner, *prima facie*, with the present set of occurrence coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bhawanipur (Akbarpur O.P.) Case No. 24 of 2019, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-IV, Purnea/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical



ground of the petitioner, duly supported by
the documents.

(iii) That one of the bailors shall be
Janardhan Yadav, who is the father of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Shweta/-

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