

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25268 of 2021**

Arising Out of PS. Case No.-429 Year-2020 Thana- SIWAN MUFFASIL District- Siwan

Umesh Yadav Son Of Rajnath Yadav Resident Of Village - Lakhraon, Police
Station - Siwan Muffasil, District - Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Satyadeo Singh Yadav, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

5 27-01-2022 The applicant/accused in Crime No. 429 of 2020 registered with Siwan (Muffasil) Police Station for the offences punishable under Sections 302, 201 and 120B of the Indian Penal Code read with Section 34 of the Indian Penal Code as well as Section 27 of the Arms Act, by this application is seeking his release on bail during pendency of the trial after filing of the charge sheet.

Heard the learned counsel appearing for the applicant/accused. He submits that applicant is behind bar from 23.09.2020 and except confessional statement of the applicant there is nothing to incriminate him in the crime in question.

The learned Additional Public Prosecutor opposed the application by submitting that there are two witnesses,



namely, Ajit Kumar and Akash Kumar, who were vouching about the applicant being last seen in the company of deceased Ranjeet Kumar Yadav. Even the first informant mother is also speaking about the last seen theory.

I have considered the submissions so advanced and also perused the materials placed before me.

Undoubtedly, the applicant is not having any criminal antecedent. The crime in question is registered on the basis of FIR lodged by the Bachchi Devi, who happens to be the mother of Ranjeet Kumar Yadav. The dead body of Ranjeet Kumar Yadav, who has allegedly murdered by the applicant and the co-accused, according to the prosecution case, is not yet recovered. According to the first informant, on 03.09.2020 her son Ranjeet Kumar Yadav was taken by the applicant and co-accused Pappu Kumar Sah. Thereafter, Ranjeet Kumar never returned to his house but on 20.09.2020 as claimed by the first informant, a video clip was made viral from which it is found that Ranjeet Kumar was murdered by the applicant along with the co-accused.

The alleged video clip is not seized during the course of investigation. Confession of the applicant recorded by the police has not resulted into recovery of any



incriminating fact and as such the same cannot be relied upon . The FIR is lodged on 20.09.2020 whereas the incident of taking Ranjeet Kumar is alleged to have happened on 03.09.2020. The dead body is not recovered during the course of investigation. Therefore, application of the last seen theory at this stage is doubtful.

Considering the nature of evidence against the applicant/accused, his further pretrial detention after filing of the charge sheet is not warranted and hence, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 429 of 2020 registered with Siwan (Muffasil) Police Station be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact



the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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