

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16952 of 2022

Arising Out of PS. Case No.-605 Year-2020 Thana- BRAHMPUR District- Buxar

Sanjay Yadav Son of Tarkeshwar Yadav Resident of Village - Barki Nainijor,
Police Station - Brahmpur (Nainijor), District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 Brahmpur
(Nainijor) P.S. Case No. 605 of 2020 registered for the offence
under Sections 147, 148, 149, 341, 323, 353, 379, 332, 333, 307
and 120(b) of the Indian Penal Code and later on Section 302 of
the Indian Penal Code has been added.

The accused/petitioner is not named in the F.I.R. and
is in custody since 13.12.2021.

The allegation against the petitioner is to commit
murder of driver, who is a private person, engaged as a driver of
the police patrolling vehicle, with bamboo, bhala, rod etc.,



where informant is the constable.

Learned counsel appearing on behalf of the petitioner submitted that the implication is based upon the confessional statement of co-accused, namely, Vikash Yadav, who has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 29450 of 2021 dated 06.10.2021. It is submitted that in furtherance of the said confession, nothing incriminating surfaced/recovered, which may connect the petitioner with the present set of occurrence. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, 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.

In view of the facts and circumstances, as mentioned above, as nothing incriminating surfaced/recovered, which may connect the petitioner, *prima facie*, with the present set of occurrence in furtherance of the confessional statement of the co-accused coupled with the fact that petitioner is a man of clean antecedent, where chargesheet has already been submitted,



let the petitioner, above named, is directed to be released on bail in connection with Brahmpur (Nainijor) P.S. Case No. 605 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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