

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16494 of 2022

Arising Out of PS. Case No.-345 Year-2020 Thana- GAYA MUFASIL District- Gaya

Shashi Yadav Son Of Katore Lal Yadav @ Rajkumar Yadav Resident Of
Village- Nauranga, P.S.- Muffasil, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-07-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Priya Ranjan, learned counsel for the
petitioner as well as learned Additional Public Prosecutor
for the State.

Petitioner seeks bail in a case registered in
connection with Muffasil P.S.Case No. 345 of 2020 for the
offences punishable under Sections 302, 201, 34 of the
Indian Penal Code.

As per the prosecution case, it is alleged that on
15.09.2020 the cousin of the informant had gone to
purchase some articles for construction, by taking Rs.
35,000/-. On the way, he was abducted by altogether nine



F.I.R. named accused persons including this petitioner and thereafter, it is alleged that he was taken to bush, where he was brutally assaulted by the accused persons and when he became unconscious all the accused persons fled away from there. It is also alleged that when the informant reached there, he found his cousin brother was alive and on the way to the hospital the victim disclosed the name of the accused persons including this petitioner before his death.

It is submitted by the learned counsel for the petitioner that the name of the petitioner came in course of investigation, as he has been said to be identified by CCTV footage. This petitioner was also found involved among other persons, who were taking the victim boy. Learned counsel for the petitioner submits that except the fact that he was seen going along with other persons and the victim boy. There is no other material much less any eye witnesses or the other CCTV footage showing the complicity of the petitioner in actual killing of the boy. It is next submitted that co-accused persons having identical allegation namely, Aniket Kumar, who was also identified in the CCTV footage has been granted bail by learned co-ordinate Bench



of this Court in Cr. Misc. No. 52360 of 2021 vide order dated 10.05.2022 copy of which has been placed before this Court and the same has been kept on record. It is lastly submitted that this petitioner is in custody since 11.08.2021 and the investigation has already been completed and charge sheet has been submitted

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that during the course of investigation ample material has come which suggest the complicity of the petitioner and he has also been identified by the CCTV footage, while he was seen taking away the victim boy.

Having heard the rival contentions of the parties and taking into consideration that except the fact that he was seen taking away the victim, no other material has come which shows the complicity of the petitioner in the actual crime and moreover, persons having identical allegation have been granted bail by the learned co-ordinate Bench of this Court and this petitioner is in custody since 11.08.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty



Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, XIII, Gaya in connection with Muffasil P. S. Case No. 345 of 2020 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 cancelling 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.

(Harish Kumar, J)

N.K/-

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

