

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25979 of 2021

Arising Out of PS. Case No.-331 Year-2020 Thana- BRAHMPUR District- Buxar

1. SINTU YADAV Son of Sipahi Yadav Resident of Village- Javahi Diyar, P.S- Haldi Dist- Balia (U.P).
2. Kamlesh Yadav Son of Bhikhari Yadav Resident of village- Saiya Dera, P.S- Shahpur (Karnamepur) Dist- Bhojpur.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Bachan Jee Ojha, Advocate.
For the State	:	Mr. Pranav Kumar, A.P.P.

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

3 03-01-2022 The applicants/accused in Crime No.331 of 2020 registered with Police Station-Brahmpur for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act, by this application is seeking their release on bail during the pendency of the trial.

Heard learned counsel appearing for the applicants/accused. He submits that they are behind the bars from 21.12.2020 and except the confessional statement of co-accused Sunil Kumar Yadav there is no evidence to connect the applicants with the crime in question. It is further argued that Sunil Kumar Yadav is already released on bail by the coordinate Bench of this Court.



Learned A.P.P. opposed the application by contending that statement of witnesses Lalji Yadav and Manji Yadav shows the complicity of the applicants in the crime in question. He relied on the confessional statement of co-accused Sunil Kumar Yadav.

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

Daroga Yadav is father of the deceased Mantu Yadav. According to the prosecution case, both the applicants along with co-accused have murdered Mantu Yadav in the night intervening 24.06.2020 and 25.06.2020.

Statements of Lalji Yadav and Manji Yadav are to the effect that deceased used to be in the company of co-accused Sunil Kumar Yadav and applicant Sintu Yadav. They have stated that they had seen three unknown persons talking with deceased Mantu Yadav in the night hours of 24.06.2020. Similar is the F.I.R. of Daroga Yadav who had spoken about talk between Mantu Yadav and three unknown persons. Thus this evidence implies that at least applicant Sintu Yadav was not a person with whom the deceased was seen talking in the night hours of 24.06.2020.

Confessional statements of co-accused cannot be looked into by this Court as those have not yielded to any recovery.



Co-accused Sunil Kumar Yadav whose confession is being relied upon by the prosecution is already released on bail vide order dated 03.08.2021 passed in Criminal Misc. NO.6253 of 2021 by the coordinate Bench of this Court. Another co-accused Manan Tiwari is also released on bail vide order dated 22.11.2021 passed in Criminal Misc. No.25785 of 2021 by the coordinate Bench of this Court. In the light of these orders passed by the coordinate Benches of this Court so also looking into the nature of evidence against the present applicants, their further pretrial detention is not warranted. Therefore, the following orders:

(i). The application is allowed.

(ii). The applicants/accused in Crime No.331 of 2020 registered with Police Station-Brahmpur for the offences punishable under Section 302 read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act, be released on bail on executing P.R. bond of Rs.20000/-(Rupees Twenty Thousand) and on furnishing surety of the like amount by each of them to the satisfaction of the trial court with the following conditions:

(I). The applicants should not extend any threat, promise or inducement to the persons acquainted with the facts



of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II). The applicants should cooperate the trial in expeditious disposal of the trial against them.

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

The applicants 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 appellants/accused.

(A. M. Badar, J)

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