

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21908 of 2022

Arising Out of PS. Case No.-162 Year-2021 Thana- CHANDRADIP District- Jamui

Laddu Yadav Son of Ram Swarath Yadav Resident of village - Eksari Bigha,
P.S. and District - Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Mahto, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 13-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Chandradeep P.S. Case No.162 of 2021 registered for the
offences punishable under Sections 302, 120(B) and 34 of the
Indian Penal Code.

As per the allegation, the informant's son namely
Vikas Kumar @ Vikky was married to the accused namely Kajal
Kumari on 10.12.2021 and thereafter they started living in their
matrimonial house. On regular occasions, the informant's son
heard his wife talking to someone over phone and when he



asked about the same, the deceased's wife disclosed the name of Ranjan Kumar. It is further alleged that when the informant and his son returned back from Bahiyar they saw Ranjan Kumar and Laddu Yadav were present at his house, after which they left the house of the deceased upon the assurance given by his wife that they will not come again. Further it is alleged that after sometime the deceased received a phone call made by Ranjan Kumar asking for help as his bike has broken down and then the deceased went to help him and never returned back. Next morning the dead body of the informant's son was found and hence the informant raised suspicion against the accused persons.

The main submissions advanced by the learned senior counsel Mr. Prakash Mahto for the petitioner are that the main allegation is against the co-accused namely Ranjan Kumar as per the confessional statement made by him and petitioner is simply alleged to have accompanied the said co-accused but the said statement was made before the police and as per the FIR the petitioner and co-accused Ranjan Kumar were alleged to have visited the informant's house just a day before the alleged occurrence of murder and thereafter in response to the phone call made by co-accused Ranjan Kumar the deceased left the



informant's house and thereafter his dead body was recovered and during the course of investigation as well as in the FIR the informant simply raised suspicion against this petitioner and co-accused person, even if the statement of main accused Ranjan Kumar is to be believed, the petitioner is not alleged to have played the main role in killing the deceased and moreover there is no eye witness of the alleged murder and the instant case is based merely on suspicion. Further submission is that the petitioner has been languishing in jail since 25.12.2021 and he has no criminal antecedent.

Learned APP Mr. Ram Anurag Singh appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the case diary. The main allegation of murder appears to be against the co-accused Ranjan Kumar and the motive to commit the alleged murder is also attributed against the said co-accused as per the FIR and present petitioner is stated to have accompanied him while visiting the informant's house just one day before the alleged murder and during the course of investigation the statement of this petitioner was also recorded but in following with that statement no recovery of any incriminating material was made. Considering the said facts as well as above



submissions and mainly taking into account the petitioner's young age and his clean antecedent, a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Chandradeep P.S. Case No.162 of 2021, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said



criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take strict action against him for cancellation of his bail bond.

(Shailendra Singh, J.)

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