

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33582 of 2021

Arising Out of PS. Case No.-204 Year-2020 Thana- DULHIN BAZAR District- Patna

RAKESH KUMAR @ KATAS aged about 28 Male years, son of Sri Kameshwar Singh Yadav R/O Vill-Bahadurganj, PS-Sigori, Distt-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 33891 of 2021

Arising Out of PS. Case No.-204 Year-2020 Thana- DULHIN BAZAR District- Patna

SANJEET KUMAR @ SANJEET YADAV, aged about 20 years son of Raju Yadav @ Raju Kumar, R/O Village-Pansuhi, PS, Dulhin Bazar, District, Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 33582 of 2021)

For the Petitioner/s : Mr. Baxi S.R.P. Sinha, Sr. Adv.
Mr. Prem Ranjan Kumar, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP
(In CRIMINAL MISCELLANEOUS No. 33891 of 2021)

For the Petitioner/s : Mr. Parashuram Singh, Adv.
Mr. Ujjawal Bhushan, Adv.

For the Opposite Party/s : Ms. Rubi Rani, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 08-03-2022 Heard Mr. Baxi S.R.P. Sinha, learned senior counsel

along with Mr. Ujjawal Bhushan, learned counsel for the

petitioners and learned Additional Public Prosecutors for the

State in both the bail applications.

Petitioners seek regular bail in connection with

Dulhin Bazar PS Case No. 204/2020 registered for the offence



punishable under Sections 302/201 of the IPC and Section 27 of the Arms Act.

As per First Information Report, the brother of the informant had left his house on 21.10.2020 but did not return and after two days on 23.10.2020, his dead body was found lying near a canal at Parsurha Badhar.

Learned senior counsel for the petitioners submits that after postmortem and cremation of the dead body on 23.10.2020, the statement of the informant has been recorded in which he has raised suspicion against the petitioners and others and as per restatement made by the informant recorded during course of investigation, the deceased was having an inimical terms with co-accused, Ravi Kumar @ Ravi Yadav along with the petitioners who have committed murder of his brother. Learned counsel further submits that petitioner, Rakesh Kumar @ Katas (Cr. Misc. No. 33582/2021) while going on his motorcycle was arrested on 14.12.2020 and his confessional statement was recorded while another petitioner, Sanjeet Kumar @ Sanjeet Yadav (Cr. Misc. No. 33891/2021) was arrested on 08.02.2021 on the basis of confessional statement made by co-accused. Learned senior counsel next submits that except confessional statement of the co-accused, no any material has



come against the petitioners to connect them with the present case and the co-accused, Ravi Kumar @ Ravi Yadav has been granted bail by a co-ordinate Bench of this Court *vide* Cr. Misc. No. 24626/2021.

Regards being had to the submissions made by the parties and taking into consideration the material on record and the fact that petitioners have been made accused on the basis of confessional statement of co-accused, charge-sheet has been submitted in the matter, petitioners are in custody since 14.12.2020 and 08.02.2021 respectively, and similarly situated co-accused, Ravi Kumar @ Ravi Yadav has already been granted bail by a co-ordinate Bench of this Court, I am inclined to grant regular bail to the petitioners subject to the following conditions:-

(1) that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner,

(2) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates, his bail bonds will be liable to be



cancelled.

(3) that the petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move for cancellation of his bail bond.

Accordingly, let the petitioners, namely, Rakesh Kumar @ Katas (Cr. Misc. No. 33582/2021) and Sanjeet Kumar @ Sanjeet Yadav (Cr. Misc. No. 33891/2021) be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty-five Thousand) each with two sureties of the like amount each to the satisfaction of Sri Praveen Kumar Malviya, learned Judicial Magistrate- 1st Class, Patna/the court concerned in connection with Dulhin Bazar PS Case No. 204/2020.

(Anil Kumar Sinha, J)

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