

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35140 of 2021

Arising Out of PS. Case No.-447 Year-2020 Thana- SUPAUL District- Supaul

CHANDAN YADAV Son of Sikandar Yadav Resident of Village- Mungrar,
Ward No. -9, P.S. and District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 34271 of 2021

Arising Out of PS. Case No.-447 Year-2020 Thana- SUPAUL District- Supaul

PRAMOD YADAV Son of Shri Ram Yadav Resident of Village - Mungrar,
P.S.- Supaul, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 35895 of 2021

Arising Out of PS. Case No.-447 Year-2020 Thana- SUPAUL District- Supaul

RAJESH YADAV @ RAJESH KUMAR Son of Bhodhnarayan Yadav @
Budhanarayan Yadav Resident of Village - Mungrar, P.S. and District -
Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 38280 of 2021

Arising Out of PS. Case No.-447 Year-2020 Thana- SUPAUL District- Supaul

MITHILESH YADAV @ MITHILESH YADAV Son of Bhupendar Yadav @
Bhupendra Yadav Resident of Village - Mungrar, P.S. and District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 35140 of 2021)

For the Petitioner/s : Mr. Prafull Chandra Thakur



For the Opposite Party/s : Mr. Bharat Lal
(In CRIMINAL MISCELLANEOUS No. 34271 of 2021)
For the Petitioner/s : Mr. Murari Narain Chaudhary
For the Opposite Party/s : Mr. Anil Kumar Singh No.1, APP
(In CRIMINAL MISCELLANEOUS No. 35895 of 2021)
For the Petitioner/s : Mr. Prafull Chandra Thakur
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP
(In CRIMINAL MISCELLANEOUS No. 38280 of 2021)
For the Petitioner/s : Mr. Prafull Chandra Thakur
For the Opposite Party/s : Ms. Renuka Ratnakar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 21-03-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutors for the State.

Since all the four bail applications arise out of same
PS Case, they are being heard and decided together.

Petitioners seek regular bail in connection with
Supaul PS Case No. 447/2020 registered for the offence
punishable under Sections 364, 302, 120B/34 of the IPC.

As per First Information Report, the son of the
informant was missing since 23.06.2020 and the informant has
raised a suspicion that the persons, who had made calls upon his
son's mobile in the night of 23.06.2020, kidnapped and killed
his son.

Learned counsel for the petitioners submits that the
petitioners have falsely been implicated in this case on the basis
of confessional statement of a co-accused, Jitendra Kumar
Yadav @ Jitendra Kumar and except the confessional statement
of the co-accused, no other material has come against the



petitioners. He next submits that co-accused, Jitendra Kumar Yadav @ Jitendra Kumar, whose confessional statement was recorded, has been granted bail by a Co-ordinate Bench of this Court *vide* Cr. Misc. No. 63771/2021 after framing of charge. Learned counsel next submits that the charges have already been framed against all the petitioners on 22.09.2021 and they, namely, Chandan Yadav (Cr. Misc. No. 35140/2021), Rajesh Yadav (Cr. Misc. No. 35895/2021), Mithilesh Yadav @ Mithlesh Yadav (Cr. Misc. No. 38280/2021) are in custody since 02.02.2021 and Pramod Yadav (Cr. Misc. No. 34271/2021) is in custody since 21.01.2021.

On the other hand, learned counsel for the State, referring the case diary, submits that the confessional statement of the co-accused, Jitendra Kumar Yadav @ Jitendra Kumar has led to the recovery of towel and *Chappal* of the deceased, as such, the confessional statement of the co-accused is admissible in the Evidence Act.

Regards being had to the submissions made by the parties and taking into consideration the material on record and the fact that similarly situated co-accused, Jitendra Kumar Yadav @ Jitendra Kumar has been granted bail by a Co-ordinate Bench of this Court, charges against the petitioners have also



been framed and they are in custody for more than a year, I am inclined to grant regular bail to the petitioners subject to the conditions that petitioners will be well represented on each and every date in the trial and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

Accordingly, let the petitioners, namely, 1. Chandan Yadav (Cr. Misc. No. 35140/2021), 2. Rajesh Yadav @ Rajesh Kumar (Cr. Misc. No. 35895/2021), 3. Mithilesh Yadav @ Mithlesh Yadav (Cr. Misc. No. 38280/2021) and 4. Pramod Yadav (Cr. Misc. No. 34271/2021) 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 learned Chief Judicial Magistrate, Supaul/the court concerned in connection with Supaul PS Case No. 447 of 2020.

(Anil Kumar Sinha, J)

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