

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37717 of 2021

Arising Out of PS. Case No.-186 Year-2020 Thana- BIHRA District- Saharsa

Ram Nath Yadav S/o Khushilal Yadav Resident of Village- Khonha, P.S.-
Bihra, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate

: Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 03-01-2022 Heard Shri Krishna Prasad Singh, learned senior
counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bihra P.S. Case No. 186 of 2020 instituted for the offences
under Sections 302 of the Indian Penal Code read with Section
27 of the Arms Act.

Learned senior counsel for the petitioner submits that
the petitioner is in custody since 25.03.2021 and charge-sheet
has been submitted in the case.

Learned senior counsel for the petitioner submits that
allegation in the F.I.R. is based upon the written application of
one Guddu Singh who had alleged that on 18.08.2020 at 4.30
pm his father received a call on his mobile whereafter he went
out of his house at 6.00 pm stating that he would return by 10.00



pm but when he did not return home by 10.00 pm, the informant called on his mobile but it was switched off. Accordingly a search was made and the informant received an information regarding a dead body at Aran village and when he went there he saw the dead body of his father who was killed by firearm.

Learned senior counsel for the petitioner submits that admittedly from allegation as alleged in the F.I.R. it would manifest that none has seen the occurrence, the name of this petitioner transpired in the confessional statement of Surendra Yadav and Sukumari Devi wherein the role of this petitioner is attributed as a conspirator in crime. Learned senior counsel submits that petitioner being ex-Mukhiya has been falsely implicated in the present case based on confessional statement of Surendra Yadav and Sukumari Devi.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that this petitioner is alleged to have conspired as Sukumari Devi wanted to get the deceased killed as he being Ojha of the village had killed 3-4 children of Sukumari Devi during the course of treatment as such she was perturbed and had sought help of this petitioner in getting the deceased eliminated. Learned A.P.P. submits that both Surendra Yavav and Sukumari Devi in their



confessional statement have accepted that deceased was killed by Surendra Yadav and his group whereas the money was also paid to the assailants through this petitioner.

Learned senior counsel for the petitioner rebutting the submission of learned A.P.P. submits that at best the case is of conspiracy, the name has transpired based on the confessional statement when there is no eye-witness to the occurrence and the confession made before the police is not admissible in law.

Considering the fact that the petitioner is in custody since 25.03.2021, charge-sheet has been submitted in the case and his name transpired as conspirator based on confessional statement of Surendra Yadav and Sukumari Devi which is not admissible in evidence, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Saharsa in connection with Bihra P.S. Case No. 186 of 2020 with a condition that one of the bailors shall be the son of the petitioner.

(Satyavrat Verma, J)

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