

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31950 of 2021

Arising Out of PS. Case No.-539 Year-2020 Thana- KHAIRA District- Jamui

PAWAN KUMAR YADAV Son of Mahesh Yadav Resident of Village - Harni,
P.S.- Khaira, Dist.- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 38487 of 2021

Arising Out of PS. Case No.-539 Year-2020 Thana- KHAIRA District- Jamui

MUKESH YADAV Son of Arjun Yadav Resident of Village- Manjhiyani,
P.S.- Khaira, District- Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 31950 of 2021)

For the Petitioner/s : Mr.Prabhat Ranjan Singh

For the Opposite Party/s : Mr. Mukesh Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 38487 of 2021)

For the Petitioner/s : Mr.Dr. Ratan Kumar

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 09-03-2022 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State, in both the cases.

The petitioners seek regular bail in connection with
Khaira Police Station Case No. 539 of 2020, registered for the
offence punishable under Sections 147/148/149/323/385/387/
504/379/506 of the Indian Penal Code.



The prosecution case, as per the First Information Report, is that on 24.12.2020, in the afternoon, three persons arrived on a motorcycle at the work site of the informant, who is a contractor, and demanded levy of Rs. 50,00,000/- and threatened that if the demanded money would not be paid, the construction work shall not continue. The informant further stated that on the next date, i.e. on 25.12.2020, he received a call from mobile no. 8797247185 and the caller, representing himself as party man of a naxellite organization, demanded the levy for construction of the bridge awarded in favour of the informant/contractor.

Learned Counsel for the petitioners submit that the petitioners are not named in the First Information Report and they have been made accused in this case on the basis of confessional statement of petitioner Pawan Kumar Yadav, in which he disclosed the name of petitioner Mukesh Yadav and except the confessional statement, there is no other material to connect the petitioner with the alleged offence. They further submit that the fact of the matter is that the Station House Officer of the Khaira Police Station was at inimical terms with the petitioners, due to which he falsely implicated the petitioners in four other criminal cases also and one such case was lodged



by the Station House Officer himself against the petitioners, being Khaira Police Station Case No. 6 of 2021 and Khaira Police Station Case No. 532 of 2020 and in the said cases, the petitioners have been granted bail by a Bench of this Court. They further submit that the petitioners are in custody since 04.02.2021.

On the other hand, learned Additional Public Prosecutor, referring to the case diary, submits that except the confessional statement of the accused persons, there is no material against the petitioners and the petitioners have two criminal antecedents also.

Regards being had to the submissions advanced on behalf of the petitioners and taking into consideration the materials available on record and the fact that the petitioners have been made accused on the basis of the confessional statement and except that, there is no other material against the petitioners, in almost identical cases lodged by the Station House Officer and the staff of the informant, being Khaira Police Station Case No. 04 of 2021 and Khaira Police Station Case No. 532 of 2020, respectively, the petitioners have been granted bail by this Court and they are in custody since 04.02.2021, I am inclined to grant regular bail to the petitioners.



These applications are, accordingly, allowed.

Let the petitioners, above named, be released on bail, upon furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui, in connection with Khaira Police Station Case No. 539 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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