

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43378 of 2021

Arising Out of PS. Case No.-19 Year-2020 Thana- NARDIGANJ District- Nawada

RAMASHISH YADAV S/o Late Kuldeep Yadav Resident of Village- Purbi
Bharat, P.S.- Rajgir, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-02-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Sri Harendra Prasad, the learned APP for the State.

The petitioner seeks regular bail in connection with Nardiganj PS case no. 19 of 2020 instituted for the offences punishable under Sections 363, 302, 201/34 of Indian Penal Code.

The case of the prosecution in brief, according to the informant, is that on 07.01.2020 at about 5 pm in the evening, the son of the informant namely Shashikant Kumar had left his house along with Sonu Kumar to go to Rajgir. On 08.01.2020, when the informant had tried to call his son at about 8.45 pm, she



found his phone switched-off, hence the informant called her younger brother who told that Shashikant had told him that he was at his in-laws' place at Rajgir. It is further alleged that unknown persons have kidnapped the son of the informant. However, subsequently, the dead body of the son of the informant was recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 22.12.2020. The learned counsel for the petitioner has further submitted that the petitioner has got no connection either with the family of the deceased or with the family of the in-laws of the deceased and the persons, on the basis of whose confessional statements, the petitioner has been roped in the present case i.e. the brother-in-law, father-in-law and wife of the deceased have already been granted bail by a co-ordinate Bench of this Court and this Court vide orders dated 16.03.2021 and 13.10.2020, passed in Cr. Misc. no. 4156 of 2021 and Cr. Misc. no. 26370 of 2020, respectively. Lastly, it is submitted that charge-sheet has already been filed in the present case and the investigation is over, hence no prejudice would be caused, in case the petitioner is granted bail

Per contra, the learned A.P.P. for the State has



vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused persons who have already been granted bail by this Court as also by a co-ordinate Bench of this Court, apart from the fact that minuscule evidence is available on record *qua* the petitioner herein, with regard to his complicity in the alleged crime as also the fact that the investigation is complete and charge-sheet has already been filed, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Judicial Magistrate 1st class, Nawada in connection with Nardiganj PS case no. 19 of 2020.

(Mohit Kumar Shah, J)

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