

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36118 of 2022

Arising Out of PS. Case No.-52 Year-2021 Thana- SHAMBHUGANJ District- Banka

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SINTU YADAV Son of Late Arun Yadav Village - Belshira, P.S. -
Shambhuganj, Dist.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar, Advocate

For the State : Mr. Ajit Kumar, A.P.P

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 23-11-2022 Heard Mr. Vibhakar Kumar, learned counsel for the
petitioner and Mr Ajit Kumar, learned A.P.P. for the State.

Petitioner, who is in custody since 12.03.2021, seeks
regular bail in connection with Shambhuganj P.S. Case No. 52
of 2021 registered for offences punishable under Section 302 of
the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case in brief is that the informant
who is the wife of the deceased in her *fardebyan* has alleged that
her husband was Headmaster of Pronnat Middle School, Pathaki
Amarpur and he was murdered by the two unknown persons
riding on the motorcycle. F.I.R is against unknown.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is not named in the F.I.R. The



confessional statement of the petitioner was recorded in police custody which has no evidentiary value in the eye of law. Learned counsel for the petitioner further submits that though he had not stated in his bail application regarding his occupation but as per his instruction the petitioner is a daily wager. Petitioner is in custody since 12.03.2021.

Learned counsel appearing on behalf of the State submits that from perusal of paragraph no.39 of the case diary it appears that secret information was received by the police on 10.03.2021 within 10 days from the alleged date of murder i.e. 01.03.2021 and circumstances show that the petitioner has confessed that he was involved in committing murder of the husband of the informant. Several cases are pending against the petitioner including allegation under Sections, 302 and 307 of the Indian Penal Code, and it would not be proper to release the petitioner on bail.

Considering the rival submissions of the parties, nature of allegation that the petitioner has been made accused for committing murder of the husband of the informant. Past criminal antecedent also shows that he has been involved in murder case in connection with Shankund P.S. Case No. 103 of 2014 in which he has been acquitted vide judgment dated



29.03.2016 and other cases are registered under Sections 379/411 and 366A/34 of the Indian Penal Code. It would not be proper to release the petitioner on bail.

The trial Court is directed to conclude the trial expeditiously well within a period of eleven months.

(Purnendu Singh, J)

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