

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35046 of 2022

Arising Out of PS. Case No.-340 Year-2020 Thana- SUPAUL District- Supaul

Pradeep Kumar @ Pradeep Kumar Yadav, S/o Shatrughan Prasad Yadav,
Resident of Village- Bishanpur, Ward No. 4, P.S.- Supaul, District- Supaul.

... .. 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. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Krishna Prasad Singh, learned senior counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Supaul P.S. Case No. 340 of 2020 registered for the offences punishable under Sections 302, 379/34 of the Indian Penal Code.

The prosecution case is based on a written report alleging therein that on 24.05.2020, at about 7-8 PM, while the nephew of the informant, Mukesh Kumar, was returning to his home from a motorcycle, in the meantime, co-accused Nitish



Kumar, Rajesh Kumar and four unknown persons intercepted him and committed murder of his nephew by strangulating. It is further alleged that the informant along with one Santosh Kumar was also coming on his bike and when he reached near the place of occurrence, he saw six persons riding on motorcycles fleeing from the place of occurrence.

Learned senior counsel appearing on behalf of the petitioner submits that the petitioner is non-else but the own brother of the deceased and neither he is named in the F.I.R. nor any suspicion has been raised. However, after 11 months of the alleged occurrence, the statement of Nanhi Devi, wife of the deceased was recorded, for the first time, during the course of investigation and she stated about the involvement of the petitioner and three other co-accused persons that on the alleged date of occurrence, she saw that two motorcycles were going, out of which, one of the motorcycle was being driven by Vijay Yadav and Krishna Yadav was sitting thereon catching hold the deceased Mukesh Yadav and soon thereafter, she came to know about the murder of her husband. He next submits that had it been the fact that the wife of the deceased was acquainted that her husband was taken away by his own brother and another there was no reason or occasion not to disclose the fact just after



the occurrence, but surprisingly, she has disclosed this fact after 11 months. He further submits that the petitioner, having fair antecedent, is in custody since 19.01.2022, and moreover, there is no materials, save and except the statement of the wife of the deceased and other family members disclosing the complicity of the petitioner after 11 months.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has transpired in the statement of the wife of the deceased and other family members after 11 months, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Supaul P.S. Case No. 340 of 2020 subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of



trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

