

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45291 of 2021

Arising Out of PS. Case No.-348 Year-2020 Thana- CHAINPUR District- Kaimur (Bhabua)

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YOGENDAR RAM, Son of Late Ram Gahan Ram Resident of Village -
Majhui, P.S.- Chainpur, Distt.- Kaimur at Bhabua.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Vinod Kumar Seth, Advocate

For the Opposite Party/s : Mr.Anil Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 07-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Chainpur P.S. Case No. 348 of 2020, for the offence punishable
under Sections 302, 201/34 of the Indian Penal Code.

The prosecution story, in brief, is that on 30.11.2020
at about 9.00 A.M. the younger brother of the informant namely
Kamlesh Ram (deceased) had gone to Hatta Bazar for labour
work, but did not return back from there. Thereafter, informant
inquired whereabouts of his brother but did not get any trace.
On 01.12.2020, the Chainpur P.S. informed him about recovery
of dead body from Arahar field near the Hatta Bazar.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is innocent and he has falsely been



implicated in this case merely on suspicion. He further submits that on the basis of the CDR report, the mobile number 9128470328, which is mentioned in the F.I.R. belongs to Pramukh Yadav and the said Pramukh Yadav confessed his guilt and in his confessional statement recorded at paragraph No. 31 of the case diary has alleged that the present petitioner was also involved in the commission of murder of the deceased. In this regard, he has submitted that the said Pramukh Yadav was having illicit relationship with the wife of the petitioner and, therefore, he has implicated him in the false case. The petitioner has clean antecedent and he is in custody since 03.12.2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

On perusal of the F.I.R. it appears that the phone by which call were made belongs to Pramukh Yadav and Pramukh Yadav in his confessional statement recorded in paragraph No. 31 of the case diary has accepted his guilt that he has committed murder of the brother of the informant and he has also alleged that the present petitioner was also involved in the murder of brother of informant, such statement made before the Police has no evidentiary value. The name of petitioner has not been mentioned in the F.I.R. neither the informant has raised any suspicion that he was involved in the commission of murder of



his brother, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-1st cum-Special Judge SC/ST, Kaimur at Bhabua in connection with Chainpur P.S. Case No. 348 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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