

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45955 of 2021

Arising Out of PS. Case No.-345 Year-2020 Thana- GAYA MUFASIL District- Gaya

AKKU YADAV @ MANOJ KUMAR, Son of Mahendra Yadav @ Suresh
Yadav, Resident of village - Naraunga, P.S. Muffasil, Dist. - Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nityanand, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 31-03-2022 Heard learned counsel for the petitioner and Mr.
Yogendra Kumar Singh, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Muffasil P.S. Case No. 345 of 2020 registered for the offences punishable under Section 302/201/34 of the Indian Penal Code. He is in custody since 15.01.2021. At the time of filing of the present application, petitioner declared two criminal antecedents, but by filing a supplementary affidavit it has been informed that during pendency of the bail petition petitioner has been remanded in three other cases.

Learned counsel for the petitioner submits that as per the prosecution story, the cousin brother of the informant had been constructing his house and for the said purpose he had gone to purchase iron rods. He had kept Rs. 35,000/- and had a



gold locket of about 20 gram with him. On way, he was abducted by altogether nine named accused persons, one of them is this petitioner, he was taken to the bushes where he was badly assaulted by the accused persons whereafter he became unconscious. The informant got information from some unknown person then he reached at the place of occurrence. According to the informant, his cousin brother was still alive, on way to the hospital the victim disclosed the entire things and told that at least eleven persons are involved in this occurrence. It is then stated that on way the cousin brother of the informant died. The informant claimed that apart from the named accused persons 6-7 unknown persons were also involved in the alleged occurrence.

Learned counsel for the petitioner submits that it is a case of false implication. In course of investigation, no cogent materials has been obtained by the Investigating Officer to show the participation of this petitioner in the alleged occurrence. It is submitted that whether the victim was in a position to make a statement and inform about the alleged occurrence to the informant may be considered only in course of trial.

It is further submitted that in course of investigation I.O. has recorded statement of a Spy and initially after saying



that none of the CCTV footage available with the shopkeepers were showing the alleged incident, the I.O. has recorded in paragraph '26' that one Spy made him available a CCTV footage in which the accused persons were seen taking away the victim.

Learned counsel for the petitioner submits that such statement has been introduced at a later stage after initially recording in paragraph '11' that no CCTV footage was available with the nearby shopkeepers.

It is lastly submitted that the named co-accused Ram Pravesh Yadav @ Gas has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 22564 of 2021 after recording reasons and the case of the petitioner stands on similar footing with that of the co-accused Ram Pravesh Yadav @ Gas.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner, but in course of submission no other independent material save and except what have been discussed above in the submission of learned counsel for the petitioner could be pointed out to this Court.

Considering the facts and circumstances of the case wherein nine named and 6-7 unknown persons are said to have



been involved in the alleged occurrence, the petitioner is one of them, the CCTV footage of the nearby shops did not disclose about the alleged occurrence and the only material which is said to be the CCTV footage made available at a belated stage by a Spy but the similarly situated accused Ram Pravesh Yadav @ Gas has been granted bail by learned coordinate Bench of this Court and the prosecution is unable to demonstrate that the case of the petitioner is standing on different footing, there being no submission that the release of the petitioner is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge – XII, Gaya in connection with Muffasil P.S. Case No. 345 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail



bonds in terms of the above-mentioned order shall not be
delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

