

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46574 of 2021

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

Pramukh Yadav @ Pramukh Singh Yadav S/o Fulchand Yadav R/o village-
Hata, P. S.- Chainpur, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. N. K. Nirala, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 05-07-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Rajesh Kumar, learned counsel for the petitioner and Mr. N. K. Nirala, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Chainpur P. S. Case No. 348 of 2020 registered for the offences punishable under Sections 302, 201 read with 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 30.11.2020 at about 09:00 A.M., the brother of the informant went to Hatta Bazar but did not return till late night. Thereafter,



the informant and others started searching him but could not succeed to find him. It is further alleged that in the morning on 01.12.2020, the Police personnel of Chainpur Police Station informed that a dead body was lying in the field near the Hatta village. On the basis of the said information, the informant reached there and identified the dead body as his brother.

Learned counsel appearing on behalf of the petitioner submitted that the F.I.R has been instituted against unknown persons and there is no eye-witness to the alleged occurrence. It is further submitted that the name of the petitioner has transpired only on the ground that a day before the alleged occurrence on 29.11.2020 both the petitioner and the deceased had talked to each other on their mobiles and except that there is no material which suggests the complicity of this petitioner in the present crime. It has also been submitted that only on the basis of Call Details Record, the petitioner has been implicated in this case and further his confession has been recorded under the Police custody, which has no evidentiary value in the eyes of law. It is next submitted that this petitioner is in custody since 03.12.2020 and the investigation of the crime is already completed and the charge-sheet has been submitted. Learned counsel for the petitioner also submits that from the tenor of the



F.I.R., it is clear that the informant himself stated that the deceased had no enmity with anyone and even suspicion has not been raised against anyone.

On the other hand, learned APP for the State opposes the bail application and submits that during the course of investigation, the complicity of the petitioner has transpired on the basis of the CDR report and thereafter, he was apprehended by the Police and he made confession with regard to his involvement in the present case.

Having considered the submissions made on behalf of the parties and taking into account the fact that the F.I.R. has been instituted against unknown and no suspicion has been raised against anyone, apart from that the name of the petitioner has transpired only on the ground that prior to a day before the alleged occurrence, he had talked to the deceased on his mobile and there is no other material, which suggests the complicity of the petitioner in the present case and moreover, he is in custody since 03.12.2020, having fair antecedent, let the petitioner, above named, 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 Additional 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 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)

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