

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49651 of 2021

Arising Out of PS. Case No.-30 Year-2020 Thana- BITHAN BAZAR District- Samastipur

PAPPU YADAV @ PAPPU KUMAR Son of Upendra Yadav Resident of
Village - Jagmohara, P.S.- Bithan, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Yadav, Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-03-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 302 of the Indian Penal Code and
Section 27 of the Arms Act.

According to the prosecution, the father of the
informant is said to have been killed.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case on the
basis of suspicion. In fact, the petitioner has been made
accused in this case merely on the basis of confessional
statement of the co-accused, namely, Lalan Yadav. Save and
except the confessional statement of the co-accused, no
cogent material has come during course of investigation



against the petitioner. Moreover, nothing has been recovered from the possession of the petitioner. The petitioner is rotting in judicial custody since 24.02.2021.

On the other hand, learned A.P.P. for the State on the basis of material available on record as well as the case diary has submitted that though the name of this petitioner transpired in this case on the basis of confessional statement of the co-accused, but the petitioner himself has confessed his guilt. He further submitted that the bail application of the co-accused, Lalan Kumar has been rejected on 28.09.2021 passed in Cr. Misc. No. 28824 of 2021. As such, the petitioner who has actively participated in the alleged occurrence may not be enlarged on bail.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bithan P.S. Case No. 30 of 2021 with the following conditions:-

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



Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

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

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.

Accordingly, this criminal miscellaneous stands disposed of.

(Rajesh Kumar Verma, J)

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