

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53296 of 2021

Arising Out of PS. Case No.-7 Year-2021 Thana- ANTI District- Gaya

Raju @ Raj Kumar Yadav S/o Krishna Yadav R/o Village- Itwan, P.S.- Konch,
District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Surendra Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Rabindra Kumar Singh, APP
For the informant :	Mr. Vaibhai Vikram Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 10-05-2022 Heard counsel for the petitioner, the State and the informant.

Let the defect(s), if any, as pointed out by the office be removed within a period of four weeks.

The petitioner is in jail in connection with G.R. No. 793 of 2021, arising out of Anti P.S. Case No. 07 of 2021 registered under sections 302 and 201/34 of the Indian Penal Code.

As per the prosecution story, the informant Rameshwar Yadav has stated on 15.2.2021 that his son Satish @ Fakhan was a tempo driver failed to return home and when he asked the owner of the tempo regarding his son no proper reply was provided but on 16th of February, 2021, he got information



that the dead body of his son is lying at *Karmaine Badhar*. The informant went to the place and identified his son's dead body. He has further stated that this petitioner gave confessional statement before the police and stated that he along with his associates had killed the informant's son due to the dispute on the share of his brother-in-law.

Call for the legible/xerox copy of the case diary as also the criminal antecedent of the petitioner in connection with Anti P.S. Case No. 07 of 2021 (G.R. No. 793 of 2021) pending in the court of Judicial Magistrate, 2nd Class, Gaya.

The case diary has been received and the learned APP has gone through it.

Learned counsel for the petitioner submits that in course of investigation his name come up. Accordingly, he was called upon by the police for questioning and was arrested. He further submits that the confessional statement was made by the petitioner under duress before the police.

Learned counsel for the petitioner further submits that even going by the said confessional statement, it does not show that he contributed to the actual killing of the deceased. He has lastly submitted that the other accused persons against whom are still at large and merely being related to the said Uday



Yadav being his brother-in-law is languishing in jail since 25.2.2021.

The petitioner does not have any criminal antecedent.

Considering the aforesaid facts that the informant-mother has made specific allegation against Uday Yadav to be the main conspirator and the person behind killing of her son, Satish Yadav and further that during the course of investigation save and except the confessional statement, there is no material to implicate this petitioner relating to the said killing, he is in jail since 25.2.2021 and the charge-sheet has already been submitted; this Court is inclined to grant the privilege of bail to the petitioner.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of Judicial Magistrate-2nd Class, Gaya, in connection with Anti P.S. Case No. 07 of 2021 (G.R. No. 793 of 2021) subject to the following conditions:-

(i) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(ii) he shall in no way try to induce or promise or



threat the witnesses or tamper with the evidence, failing which
the State shall be at liberty to take steps for cancellation of his
bail bonds.

(Rajiv Roy, J)

Ravi/-

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

