

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57462 of 2021

Arising Out of PS. Case No.-37 Year-2020 Thana- ALIPUR District- Gaya

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PINTU @ PAPPU YADAV Son of Bindeshwar Yadav @ Jehal Yadav
Resident of Village - Sujatpur, P.s.- Ghoshi, Distt.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S. K. Lal, Advocate.

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 19-09-2022 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. S. K. Lal, learned counsel for the petitioner as well as 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 Alipur P. S. Case No. 37 of 2020 registered for the offences punishable under Sections 302, 120 (B) of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, it is alleged that on 07.06.2020, father of the informant was on duty in quarantine



Centre at Makhdumpur School, he received a phone call and went to Nimsar Pul and thereafter, he did not return from there. Later on, the dead body of his father was found. It is suspected that some unknown persons killed his father.

Learned counsel appearing on behalf of the petitioner submitted that during the course of investigation, it has come that son of the deceased, who is said to be informant of the present case, made accused and found that it is he who hired some of the accused persons for committing murder of his father. It is also submitted that from the materials available on record, it appears that during the course of investigation, the mobile number from which, the deceased had received the phone call, was verified and the same was found in the name of one Radha Devi, who on interrogation disclosed the name of two persons, namely, Arvind Kumar and Lallu Yadav @ Ajit Kumar and on being apprehended, they have made confessional statement before the police that it is the son of the deceased who hired them for killing of his father. It is further submitted that the name of the petitioner has also transpired on the confessional statement of co-accused and thereafter, his own confession has been recorded. It is next submitted that in fact, on account of past criminal antecedent of the petitioner, his



name has been remanded in this case that too without there being any materials against him, which shows the high-handedness of the police.

On the other hand, learned APP for the State opposes the bail application and submits that though, the F.I.R. has been instituted against unknown persons but during the course of investigation, the confessional statement of co-accused persons have been recorded showing the complicity of the petitioner in the present crime. It is also submitted that the petitioner is found involved in 19 other criminal cases.

Regard being had to the submissions made on behalf of the parties and taking into account the materials available on record as also the fact that the other co-accused persons including the son of the deceased, who was later on, made accused in this case and other persons, who are said to have been hired by the son of the deceased have already been granted bail by learned coordinate Benches of this court and the petitioner is in custody since 26.08.2020 and moreover, it is needless to say that mere criminal antecedent of a person cannot be a sole ground for rejection of his bail application when there is no material against him, 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 Chief Judicial Magistrate -II, Gaya in connection with Alipur P. S. Case No. 37 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.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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