

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51447 of 2022

Arising Out of PS. Case No.-240 Year-2020 Thana- MIRGANJ District- Gopalganj

SATISH KUMAR YADAV @ DEEPAK YADAV @ VIKASH YADAV @
VIKASH KUMAR YADAV Son of Suresh Yadav Resident of Village - Luhsi
Naya tola, P.S.- Uchkagaon, District - Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Kumar Jha, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-12-2022 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. Sumit Kumar Jha, learned counsel for the petitioner and Mr. Sanjay Kumar Singh, learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Meerganj P. S. Case No. 240 of 2020 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is based on fardbayan of the informant alleging therein that on 10.11.2020, while the nephew



of the informant was coming after attending a meeting, in the meantime, some of the miscreants fired upon him causing his death. It is further alleged that on *hulla*, nearby people rushed to the place of occurrence, however, having seen the assemblage of people all the miscreants succeeded in fleeing away leaving a Passion Pro motorcycle bearing registration no. BR28Q0396 at the place of occurrence.

Learned counsel appearing on behalf of the petitioner submitted that the F.I.R. has been instituted against unknown miscreants and the rider of the motorcycle, which was found at the place of occurrence. It is further submitted that during the course of investigation, the name of the petitioner surfaced on the confessional statement of co-accused Akshay Kumar Yadav and save and except this confessional statement, there is no material suggesting the complicity of the petitioner in the present crime. It is next submitted that during the course of investigation, a spy of the police has disclosed the fact that the co-accused Akshay Kumar Yadav was seen on the said motorcycle, which was recovered from the place of occurrence. It is also submitted that the petitioner is neither the owner of the motorcycle in question nor he had any connection with the co-accused Akshay Kumar Yadav. It is lastly submitted that neither



he has been put on Test Identification Parade nor any incriminating material has been recovered from his person or possession and moreover, he is in custody since 25.04.2022.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the name of the petitioner has transpired on the confessional statement of co-accused person and his involvement cannot be denied.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that save and except the confessional statement of the co-accused person, there is no incriminating material suggesting the involvement of the petitioner. Further the petitioner has no connection with the alleged recovered motorcycle, apart from the fact the investigation is already complete, 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 Chief Judicial Magistrate, Gopalganj in connection with Meerganj P. S. Case No. 240 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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