

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51471 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- AKBARNAGAR District- Bhagalpur

ASHOK YADAV Son of Murari Yadav @ Musaharu Yadav R/V- Goramma,
P.S- Shahkund, Distt- Bhagalpur, (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey, Advocate.

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, 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. Ranjan Kumar Dubey, learned counsel for the petitioner and 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 Akbarnagar P. S. Case No. 31 of 2022 registered for the offences punishable under Sections 363 and 365 of the Indian Penal Code and later on Sections 302, 201, 120(B) of the Indian Penal Code was added.

The prosecution case is based on a written report filed by the informant alleging therein that on 28.03.2022, co-



accused Raj Kumar Rai along with deceased Shubham Kumar proceeded on a motorcycle towards market on the pretext of purchasing some articles. It is further alleged that on way they received Rs. 2000/- and an automatic camera from their friend Shahid Razza and also met their friend Jai Kishan Yadav, thereafter, all of them went towards Shahkund on their respective motorcycles. Since then the mobile of the deceased Subham Kumar and others were found switched off.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is neither named in the F.I.R. nor even any suspicion has been raised about the complicity of the petitioner. The name of the petitioner has been sprung up during the course of investigation in the confessional statement of co-accused Jai Kishan Yadav. The confessional statement of Jai Kishan Yadav has been brought on record by way of annexure 2 to the petition and from bare perusal of the same, it appears that even in the confessional statement, there is no allegation or any confession with regard to participation of the petitioner in the present crime. From the confessional statement, the only material against the petitioner is that the accused had disclosed about his complicity to the petitioner in the present crime and save and except this material, there is



nothing against the petitioner. It is further submitted that the petitioner having fair antecedent, is in custody since 04.04.2022 and now investigation of the crime is already complete.

On the other hand, learned APP for the State opposes the bail application and submits that the name of the petitioner transpired in the confessional statement of co-accused, who actively participated in causing the murder of the deceased.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the name of the petitioner has transpired in the confessional statement of co-accused Jai Kishan Yadav and even in the said confessional statement, there is no material with regard to complicity of the petitioner in the present crime, apart from the petitioner 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 Chief Judicial Magistrate, Bhagalpur in connection with Akbarnagar P. S. Case No. 31 of 2022, 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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