

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70699 of 2021

Arising Out of PS. Case No.-174 Year-2020 Thana- AGIAON District- Bhojpur

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JIMI YADAV @ VIVEK KUMAR SON OF RAMDEV SINGH RESIDENT
OF VILLAGE- DEORHI, P.S- CHARPOKHARI, DIST- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar, Advocate
For the Opposite Party/s	:	Mr.Anant Kumar 1, APP
For the Informant	:	Mr.Shashi Bhushan Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-05-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 34 of the Indian Penal
Code and read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 30.10.2021, charge-sheet has been
submitted in the case and has antecedent of three cases under
the Excise Act.

Learned counsel for the petitioner submits that the
informant alleges that on 23.12.2020, his son accompanied
Nirmal Yadav and Mohan Ram to the house of Sanjay
Chaudhary at village Manduri to attend the shradh ceremony



thereafter, his son accompanied Nirmal Yadav to village Nahsi and thereafter, with Dipu came to village Sahangi on motorcycle and thereafter on request of his son, one Tuntun went to village Nahsi to drop Dipu, next alleges that his son from village Sahangi didn't return home, thereafter a call from the mobile of his son was received on the mobile of his wife Priyanshu Devi and then the family realised that his son was in danger. Accordingly, they informed the police and search was made and on the next day his dead body was recovered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, he is not named in the FIR and his name transpired in the confessional statement of one Dharmdev Yadav as recorded at paragraph 64 of the case diary wherein, he disclosed that deceased was having illicit relation with daughter of Nirmal Yadav on account of which the occurrence took place, further, he disclosed that this petitioner along with Sushil Kumar and others who were known to Nirmal Yadav had participated in the occurrence along with him and killed the deceased by firing. Learned counsel for the petitioner thus submits that informant is not an eye-witness to the occurrence nor any witness during the course of examination came to disclose the occurrence as an



eye-witness, the entire allegation hinges around confessional statement of Deepu Kumar, it is further submitted that even presuming what has been disclosed is true, then the illicit relationship was between the deceased and the daughter of Nirmal Yadav with which the petitioner had no concern. Learned counsel submits that till date even the charges have not been framed.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for bail of the petitioner but are not in a position to meet the submission of the learned counsel for the petitioner that apart from confessional statement there is nothing to connect the petitioner with the occurrence.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in the case and taking into consideration the submission made by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Agaion (G) P.S. Case No. 174 of 2020 one of the bailors of the petitioner shall be his father Ramdev Singh.



Further, if the learned court below comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, then the learned court below shall forthwith cancel the bail bonds of the petitioner after recording reasons.

(Satyavrat Verma, J)

Gaurav Kumar/-

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