

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70778 of 2021

Arising Out of PS. Case No.-39 Year-2020 Thana- HARNAUT District- Nalanda

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Budhu Yadav @ Amirak Yadav, S/o Late Najju Yadav, Resident of Village -
Telmar, P.S. - Harnaut (Telmar), District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Satya Prakash, Advocate
For the Opposite Party/s	:	Mr. Nand Kumar, APP
For the Informant	:	Mr. Mrityunjay Kumar Nirala, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 11-10-2022 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

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

In the present case, the petitioner seeks bail in
connection with S.T. No. 567 of 2021 arising out of Harnaut
(Telmar) P.S. Case No. 39 of 2020 registered for the alleged
offences under Sections 363, 364, 302, 201 and 120B of the
Indian Penal Code.

As per prosecution case, the minor son of the
informant went missing. During investigation, the name of the
petitioner along with some other persons transpired as
perpetrators who killed the son of the informant and concealed



his dead body.

The learned counsel for the petitioner submits that the petitioner is not named in the FIR. There is no material to connect the petitioner with the alleged occurrence of abduction of the son of the informant. The dead body of the son of the informant was recovered at the instance of co-accused Laxman Yadav and Jitendra Yadav and nothing incriminating has been recovered from the conscious possession of the petitioner or at his instance. Except for the confessional statement of co-accused Laxman Yadav who named this petitioner and others, there is no material to connect the petitioner with the alleged occurrence. The petitioner is in custody since 12.03.2021 and charge-sheet has been submitted. The petitioner has got no criminal history.

Learned APP as well as learned counsel appearing on behalf of the informant oppose submission made on behalf of the petitioner. Learned counsel for the informant submits that the petitioner and other co-accused persons throttled to death the son of the informant and threw the dead body and the dead body was recovered from a well at the instance of the co-accused persons. Learned counsel further submits that the trial has been proceeding in the case and five witnesses have been examined



so far.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact except for confessional statement nothing has come up against this petitioner to connect him with the offence of murder of the son of the informant and further considering his period of custody and clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Vth Additional District and Sessions Judge, Nalanda at Biharsharif in connection with S.T. No. 567 of 2021 arising out of Harnaut (Telmar) P.S. Case No. 39 of 2020, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be



cancelled by the court concerned.

However, learned trial court is directed to expedite the trial
at the earliest.

(Arun Kumar Jha, J)

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