

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9898 of 2023

Arising Out of PS. Case No.-485 Year-2022 Thana- UDWANTNAGAR District- Bhojpur

1. SHEOJEE YADAV @ SHIWJEE YADAV S/O LATE GOPAL YADAV R/v- Bampali, P.S.- Udwantnagar, District- Bhojpur at Ara
2. SHANKAR YADAV S/O SHEOJEE YADAV @ SHIW JEE YADAV R/v- Bampali, P.S.- Udwantnagar, District- Bhojpur at Ara
3. RAMA SHANKAR YADAV S/O SHEOJEE YADAV @ SHIW JEE YADAV R/v- Bampali, P.S.- Udwantnagar, District- Bhojpur at Ara

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dipak Kumar, Advocate
For the Opposite Party/s	:	Mr. Arvind Kumar Pandey, APP
For the Informant	:	Mr. Nagdev Chobey, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 26-06-2023 Heard learned counsel appearing on behalf of the parties.

The petitioners seek bail in connection with Udwantpur P.S. Case No.485 of 2022 registered for the offence under Sections 363 and 356 of the Indian Penal Code and later on Sections 302 and 201 of the Indian Penal Code was added.

The accused/petitioners are not named in the F.I.R. and are in custody since 18.10.2022.

The allegation against the petitioners is to commit murder of minor son of informant, aged about 12 years, after kidnapping him from school, along with other co-accused



persons/family members.

Learned counsel appearing on behalf of the petitioners submitted that petitioners were implicated in the present case only for the reason that they are family members of the named co-accused person, namely, Abhinash Kumar. It is submitted that petitioner No.1 is the grand-father, petitioner No.2 is the father and petitioner No.3 is the uncle of named co-accused person, namely, Abhinash Kumar. It is submitted that save and except call details report, nothing appears incriminating against all these petitioners. It is submitted that finding of same tower location is very obvious and even conversation is also appearing normal being family members and residents of same locality. While concluding the argument, it is submitted that all these petitioners are men of clean antecedent and moreover, investigation of this case has completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer of bail, submitted that the petitioners were actively participated during occurrence.

Considering the facts and circumstances as mentioned



above, as implication of these petitioners appears, *prima-facie*, for the reasons that they are parents/family members of named co-accused, where, implication is based upon call details report, which is very obvious, in the present case coupled with the fact that charge-sheet has already submitted, where, all these petitioners are in custody since 18.10.2022, let all these petitioners, above named, are directed to be released on bail in connection with Udwantpur P.S. Case No.485 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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