

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22247 of 2023

Arising Out of PS. Case No.-507 Year-2022 Thana- KAHALGAON District- Bhagalpur

Chinku Yadav @ Tinku Yadav @ Chintu Yadav@ Chiku Yadav @ Tiku Son
Of Upendra Yadav Resident Of Village- Lailakh, P.S.- Sabour, District-
Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Kahalgaon (Ghogha) P.S. Case No. 507 of 2022 registered on 04.06.2022 for the alleged offences under Sections 302 & 201 of the Indian Penal Code.

3. As per prosecution case, dead body of the father of the informant was recovered from a pond and there was presence of ante-mortem injuries on the body. The FIR was registered against unknown and later on, the name of the petitioner surfaced as one of the accused persons, who was involved in the murder of the father of the informant.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. There is no eye witness to the alleged occurrence and the dead body was recovered from an isolated place. The petitioner was apprehended merely on suspicion and his confessional statement was recorded by the police but the same has no legal sanctity. Learned counsel further submits that the name of the petitioner was firstly disclosed by co-accused Jaikant Yadav and the said co-accused has been granted bail by a Co-ordinate Bench vide order dated 06.04.2023 passed in Cr. Misc. No. 73206 of 2022. Learned counsel further submits that except suspicion there is nothing against the petitioner and police has failed to collect any material to show the complicity of this petitioner. The petitioner is in custody since 14.10.2022 and charge sheet has been submitted. The petitioner is having no criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that the name of the petitioner sprang up in the confessional statement of the co-accused and in his own statement recorded by the police in which he has confessed his guilt in killing the father of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material to connect the petitioner with the offence as alleged and grant of bail to co-accused by a Co-ordinate



Bench and further considering the period of custody of the petitioner and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur/concerned court in connection with Kahalgaon (Ghogha) P.S. Case No. 507 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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 bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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