

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19645 of 2023

Arising Out of PS. Case No.-286 Year-2022 Thana- CHAKAI District- Jamui

1. Pappu Yadav, Son of Madoli Yadav, Resident of village- Sursbadiya, Police Station- Chakai, District- Jamui.
2. Anil Murmu, Son of Rawan Murmu, Resident of village- Chitardih, Police Station- Chakai, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-06-2023 Heard Mr. Akhauri Kamal Kishore Sahay, learned counsel appearing on behalf of the petitioners and learned APP for the State.

The petitioners apprehend their arrest in connection with Chakai P.S. Case No. 286 of 2022 registered for the offences punishable under Sections 399, 402, 414, 307 of the Indian Penal Code and Sections 25(1-b) a, 26/27 of the Arms Act.

It is alleged that while the F.I.R. named accused persons along with others were assembled in Chitardih forest for committing some crime, in the meantime, the police conducted raid. However, on noticing the police party all the accused



persons fled away. During search one country made pistol, one live cartridge and one white colour Apache Motorcycle, without registration number, were recovered. The informant further came to know the name of the petitioners, including other accused persons, who were assembled in the forest, from the Chaukidar and the local residents.

Learned counsel appearing on behalf of the petitioners submits that from the F.I.R. it is evident that none of the accused persons, including the petitioners, were identified by the informant or any police personnel. However, only on suspicion their names have been implicated in this case and further in order to justify the same, when the co-accused Mantu Yadav was arrested, a confessional statement has been prepared wherein the name of the petitioners have also been shown and save and except the exculpatory statement of Mantu Yadav, there is no material suggesting the complicity of the petitioners. Further submissions have been made that the petitioners are men of clean antecedent and they undertake that they will fully cooperate in the investigation and will not indulge in tampering with the evidence or intimidating the witnesses.

On the other hand, learned counsel for the State opposes the bail application.



Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioners were disclosed by the Chaukidar and local villagers and save and except the confessional statement, there is no material, coupled with the fair antecedent of the petitioners, let the petitioners, above named, be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Jamui in connection with Chakai P.S. Case No. 286 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C.

(Harish Kumar, J)

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