

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25604 of 2023

Arising Out of PS. Case No.-30 Year-2021 Thana- PIPRA District- Supaul

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Kailash Kumar @ Kailash Yadav Son Of Vijendra Prasad Yadav R/O Village-
Ward No.05, Near Shiv Mandir, Amaha, P.S.- Supaul (LAUKAHA O.P.),
District- Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

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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 Pipra P.S. Case No. 30 of 2021 registered on 29.01.2023 for the alleged offences under Sections 302, 201 and 34 of the Indian Penal Code.

3. As per prosecution case, informant gave a written report about murder of his father by FIR named 17 persons and 6 to 7 unknown persons. However, during investigation the fact came to the knowledge that it was the informant who killed his father with the help of his associates. The petitioner is stated to be one such associate.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner is not named in the FIR and his name came up on the basis of confessional statement of co-accused Dharmendra Kumar. Except for this confessional statement nothing has come on record during investigation against this petitioner. There is no eye-witness to the alleged occurrence. The petitioner has got no concern with the deceased. The co-accused who named this petitioner has been granted bail by a coordinate bench of this court vide order dated 30.03.2022 passed in Cr. Misc. No. 43618 of 2021. The petitioner is in custody since 29.09.2022 and charge-sheet has been submitted. The petitioner has got two criminal cases pending against him and he is on bail in one such case.

5. Learned APP opposes the prayer for bail submitting that the co-accused persons named this petitioner for his involvement in the murder of 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 offences as alleged and further considering his period of custody and the submission of charge-sheet against him, 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 Additional Chief Judicial Magistrate-VIth, Supaul/court concerned in connection with Pipra P.S. Case No. 30 of 2021, 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.

(Arun Kumar Jha, J)

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