

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23060 of 2023**

Arising Out of PS. Case No.-140 Year-2019 Thana- BHARGAMA District- Araria

Rajendra Yadav, Son Of Late Jagdish Yadav, R/O Village- Tonha Jahad, P.S.-  
Bhargama, District- Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Anil Prasad Singh, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      23-05-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No.296 of 2019, arising out of Bhargama P.S. Case No. 140 of 2019, registered for the alleged offences under Section 302 and 201/34 of the Indian Penal Code.

3. As per prosecution case, the dead body of the husband of the informant was recovered on the bank of a river and there was evidence of assault by sharp weapon. The name of the petitioner transpired during investigation as the person who gave the contract for killing the husband of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The name of the petitioner transpired in the confessional statement of the co-accused Shambhu Sah who stated about the petitioner handing over Rs. 1 lac and asking him to murder the husband of the informant, but at that time, the petitioner was in jail in Bhargama P.S. Case No.43 of 2011. There is no eye witness to the occurrence and the petitioner has been implicated merely on suspicion. No material came up against the petitioner during investigation except for the confessional statement of the co-accused, who concocted the story that the petitioner contacted him to kill the deceased. Furthermore, there is no motive to the alleged occurrence. The petitioner is in custody since 06.09.2019 whereas, the co-accused namely, Shambhu Sah, who took the name of the petitioner in his confessional statement, has been granted bail by a Coordinate Bench of this Court vide order dated 17.06.2020 passed in Cr. Misc. No.5463 of 2020. Another co-accused Anand Sharma has also been granted bail by a Coordinate Bench of this Court vide order dated 08.08.2022 passed in Cr. Misc. No.50248 of 2021. The learned counsel further submits that there is no chance of conclusion of the trial in near future as after passage of so much time, only one prosecution witness has been examined.

5. Learned A.P.P. opposes the prayer for bail



submitting that the name of the petitioner came up during investigation in the confessional statement of the co-accused, who specifically asserted that he murdered the husband of the informant on saying of this petitioner who paid Rs. 1 lac for the said purpose.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that there appears no substantive material to connect the petitioner in the offence as alleged and there is no likelihood of early conclusion of the trial and further considering the period of custody of the petitioner, he 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 Sessions Judge-II, Araria, in connection with Sessions Trial No. 296 of 2019, arising out of Bhargama P.S. Case No. 140 of 2019, 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 bond of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

V.K.Pandey/-

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