

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33440 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- SULTANGANJ District- Bhagalpur

GUDDU YADAV Son of Pradeep Yadav Resident of Village - Shivnandanpur,
P.S.- Sultanganj, District – Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Purushottam Kumar Das, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 27-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with
Sultanganj P.S. Case No. 09 of 2023 (G.R. No. 72/2023)
registered for the offence under Section 302 of the Indian Penal
Code.

4. The accused/petitioner is not named in the F.I.R.
and is in custody since 24.01.2023.

5. The allegation against the petitioner is to commit
murder of one Suman Manjhi @ Suman Kumar alongwith
unknown co-accused persons.

6. Learned counsel appearing on behalf of the



petitioner submitted that the maximum allegation appears against this petitioner, during the course of investigation, is that he found with deceased alongwith co-accused person, namely, Nitish Kumar as per CCTV footage which was installed in shop of one Chandan Kumar, as per para 38 of the case diary. It is submitted that on the basis of said last seen, confessional statement of this petitioner was obtained by police, where in furtherance of no incriminating material recovered/surfaced as to connect petitioner *prima facie* with present occurrence of murder. While concluding the argument, it is submitted that petitioner is a man of clean antecedent, and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of the fact as save and except last seen from CCTV footage and suspicion arises out of confessional statement which obtained subsequently, nothing incriminating appears *prima facie* against this petitioner during the course of investigation as to connect him with present occurrence of murder, coupled with the fact that charge-sheet



has already submitted, where petitioner is in custody since 24.01.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Sultanganj P.S. Case No. 09 of 2023 (G.R. No. 72/2023) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1, Bhagalpur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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