

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45188 of 2022

Arising Out of PS. Case No.-252 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

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Nakul Yadav S/O Late Bishundeo Prasad Yadav Resident Of Village - Shree
Nagar, P.S. S. Kamal, District – Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 16-03-2023 Let the defects, if any, pointed out by the office be

removed within three weeks from the date of this order, failing

which the matter be listed again under the appropriate heading for

necessary action.

Heard learned counsel for the petitioner and learned
APP for the State.

As prayed for, petitioner's counsel is permitted to make
necessary correction in paragraph No. 1 to 5 in the light of the
supplementary affidavit filed on behalf of the petitioner.

Petitioner seeks regular bail in connection with Sahebpur
Kamal(S.Kamal) P.S. Case No. 252 of 2021 registered for the
offences punishable under Sections 364, 34 and 120(B) of the
Indian Penal Code while the chargesheet has been submitted under
Sections 120(B), 364/34, 302 and 201 of the Indian Penal Code.



As per the prosecution, the informant's husband was abducted by the FIR named persons on account of money transaction dispute.

The main submissions advanced by petitioner's counsel are that the petitioner is not named in the FIR, informant raised suspicion only against the named co-accused persons, during the investigation petitioner's name transpired in the alleged crime in his own statement as well as statement of co-accused Gulab Yadav and two named co-accused persons namely, Dilkhush Kumar @ Dilkhush Singh and Deepak Singh have been granted bail by different Benches of this Court vide orders passed in Cr. Misc. No. 38682 of 2022 and Cr. Misc. No. 26035 of 2022 respectively and the co-accused Gulab Yadav has also been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 53344 of 2022 and the petitioner's case stands on similar footing with the co-accused Gulab Yadav. Further submission is that the petitioner has been languishing in jail since 08.01.2022 and against him there is no any legal evidence and there are criminal antecedents of eight cases against him but the co-accused Gulab Yadav who has been granted bail is carrying criminal antecedents of eighteen cases and except the petitioner's own statement and the statement of co-accused Gulab Yadav there is no material to connect him to the alleged crime.



Learned APP appearing for the State has opposed the prayer for bail but fairly accepted that against the petitioner the only material available is his confessional statement.

In view of the facts, as stated above and mainly taking into account the privilege of bail having been granted to the above-mentioned three co-accused persons and the case of this petitioner stands on similar footing with them and petitioner has taken the plea that except his statement and statement of co-accused given before the police there is no any other material available against him and the said plea has not been refuted by learned APP and the investigation against the petitioner has been completed, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Sahebpur Kamal(S.Kamal) P.S. Case No. 252 of 2021.

(Shailendra Singh, J.)

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