

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43816 of 2022

Arising Out of PS. Case No.-95 Year-2022 Thana- NAVINAGAR District- Aurangabad

Shiv Kumar @ Shiv Yadav, Son Of Sudama Yadav, Resident of Village -
Dhanu Bigha, P.s.- Risiyap, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 45391 of 2022

Arising Out of PS. Case No.-95 Year-2022 Thana- NAVINAGAR District- Aurangabad

Lallu Yadav @ Lallu Kumar Yadav, Son Of Ramkrit Yadav, R/O Village-
Dudhaila, P.S.- Risiup, Distt.- Aurangabad (bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 43816 of 2022)

For the Petitioner/s : Mrs. Mukul Kumari, Advocate

For the Opposite Party/s : Mrs. Nirmala Kumari, APP

(In CRIMINAL MISCELLANEOUS No. 45391 of 2022)

For the Petitioner/s : Mrs. Nivedita Nirvikar, Sr. Adv.

Mrs. Richa, Advocate

For the Opposite Party/s : Mrs. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 01-02-2023 Since both the applications arise out of Navinagar

P.S. Case No. 95 of 2022, as such, they have been taken up

together and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned

APP for the State.

Let the defect (s), as pointed out by the office, be



removed within a period of four weeks.

In the present case, the petitioners seek bail in connection with Navinagar P.S. Case No. 95 of 2022 registered for the alleged offences under Sections 302, 201/34 of the Indian Penal Code.

As per prosecution case, the dead body of the son of the informant was recovered on 23.03.2022 who was missing from previous night. The name of the petitioners transpired during investigation as the accused persons who were involved in the offence of murder of the son of the informant.

The learned senior counsel for the petitioners submits that the petitioners have not committed any offence and have been falsely implicated in this case on the basis of confessional statement of co-accused Krishna Kumar Chaudhary. There is no tangible material to connect the petitioners with the offence as alleged. There is no eye-witness or circumstantial evidence against them. Though it has come during investigation that petitioner Lallu Yadav was having illicit relationship with the wife of the deceased, there is no truth in it. The wife of the deceased was the own sister of the wife of petitioner Lallu Yadav. Except the confessional statement of co-accused and confessional statements of the petitioners nothing has come on



record against the petitioners. Co-accused Krishna Kumar Chaudhary, who named the petitioners for being involved in the offence as alleged, has been granted bail by a Co-ordinate Bench vide order dated 09.01.2023 passed in Cr. Misc. No. 49755 of 2022. Charge-sheet has been submitted in this case and the petitioners are in custody since 26.03.2022. Petitioners are having clean antecedent.

Learned APP opposes the prayer for bail submitting that the petitioners confessed their crime.

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 petitioners with the offence as alleged and further considering the submission of charge-sheet against the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Aurangabad in connection with Navinagar P.S. Case No. 95 of 2022, 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 a close relative of the



petitioners.

(ii) The petitioners 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 bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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