

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45424 of 2022

Arising Out of PS. Case No.-192 Year-2019 Thana- SAUR BAZAR District- Saharsa

RATAN YADAV @ RATAN KUMAR Son of Sabit Lal Yadav R/o-
Gwalpara, P.S- Gwalpara, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rupesh Kumar

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 09-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Sourbazar (Patarghat) P.S. Case No. 192/19, registered for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution, in brief, is that the informant got information in the night of 8.5.2019 at about 8:00 pm. that his father had been shot dead, whereafter, he had reached at the place of occurrence and found that the dead



body of his father was lying on the west side of the road at Lakshmipur.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 6.5.2022. The petitioner is stated to be an accused in twelve other criminal cases, out of which he is on bail in eleven criminal cases. The learned counsel for the petitioner has further submitted that only after the petitioner was arrested on 8.6.2019 i.e. after one month of the alleged occurrence in connection with Sourbazar P.S. Case No. 69/18, his confessional statement was recorded and he was falsely implicated in the present case, otherwise there is no material in the case diary to suggest that the petitioner is having any complicity in the alleged occurrence. It is also submitted that there is no eye-witness to the said occurrence and only because the petitioner is having a bad antecedent, he has been roped in the present case subsequently, and that too,



on his self-incriminating statement, which has got no evidentiary value in the eyes of law.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials on record as also considering the materials available in the case diary, this Court finds that minuscule evidence is available in the case diary so as to connect the petitioner with the alleged occurrence and moreover, his name has transpired in the present case, merely on the basis of his confessional statement, recorded by the police on 8.6.2019, after a month of the alleged occurrence, when he was arrested in connection with Sourbazar P.S. Case No. 69/18, apart from the fact that there is no eye-witness to the alleged occurrence and no motive has been attributed to the petitioner for killing the father of the informant, hence, though I deem it fit and



proper to admit the petitioner to the privilege of bail, but subject to certain conditions, to which the learned counsel for the petitioner has got no objection.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M.-1st Class, Saharsa in connection with Sourbazar (Patarghat) P.S. Case No. 192/19.

It is further directed that the petitioner would mark his attendance before the Officer-in-Charge of the concerned police station on each Monday of the week at 10:30 am. and in the event of two consecutive defaults, the present privilege of regular bail, being granted to the petitioner herein, shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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