

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54968 of 2023

Arising Out of PS. Case No.-25 Year-2021 Thana- KURSAILA District- Katihar

CHHOTU YADAV SON OF TUNTUN YADAV RESIDENCE OF VILLAGE
CHANDRAHI PS DHAMADAHA, DISTRICT- PURNEA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar, Advocate
For the Opposite Party/s : Mr.Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Kursela P.s. Case No.25 of 2021 instituted under Sections 302,120(B)/34 of the IPC and Section 27 of the Arms Act lodged on 14.02.2021 by the informant Pinku Gupta.

As per the prosecution story, the informant alleged that her younger brother, a contractor told her on her phone that he is on way to Bhagalpur and stayed for a short at Naugachia. However, he could not reach and upon information the informant rushed to the Kabir Asthan and saw brother shot dead. Further allegation is that he was in construction business partners being Sujeet Kumar Yadav, Varun Jaishwal, Poonam Kumari and Dr. Jitendra Singh, Araria who may have committed murder. Accordingly, the FIR.

It is the case of the petitioner that his name has come



in the confessional statement of Sujeet Kumar Yadav who has since been granted bail in Cr. Misc. No.49497 of 2021. The further submission is that he has no knowledge about his implication in this case as such there was delay in coming to judicial custody on 09.06.2023.

Learned APP opposes the prayer for bail stating that he has not surrendered rather arrested.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner, the State as also that the person on whose confession his name has come up, Sujeet Kumar Yadav, has since been granted bail, as stated above, he do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Kursela P.S. Case No.25 of 2021 to the satisfaction of learned Chief Judicial Magistrate, Katihar, subject to following conditions:

- (i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;
- (ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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