

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54730 of 2023

Arising Out of PS. Case No.-113 Year-2023 Thana- GOPALPUR District- Bhagalpur

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BASUKI YADAV @ VIKRAM YADAV SON OF SUBODH YADAV
RESIDENT OF VILLAGE LATRA PS GOPALPUR, DIST- BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Gopalpur (Rangra) P.S. Case No. 113 of 2023 registered under Sections 115 and 120(B) of the Indian Penal Code lodged on 06.03.2023 by the informant, Bittu Kumar Kamal.

As per the prosecution story, the informant made allegation that one Abhishek Kumar @ Chhotu Singh had hired contract killer to kill him. The reason was that he had suspicion that they had role in the killing of the father of the Abhishek Kumar @ Chhotu Singh. Subsequently, FIR lodged and during investigation, after the arrest in different criminal case, the petitioner himself made a confession before the police about his complicity.



It is the case of the petitioner that the said confession before the police under coercion has no evidentiary value and further he had no enmity with the deceased. It is his further submission that Abhishek Kumar @ Chhotu Singh was taken into custody but in his confessional statement made before the police on 06.03.2023, he has not named this petitioner. It is further submission that Abhishek Kumar @ Chhotu Singh was not remanded to judicial custody rather he was released on P.R. bond (as stated in paragraph-15 of the petition.)

Learned APP for the State opposes the prayer for bail stating that he has himself confessed to the crime.

Considering the fact that the allegation has been made against the co-accused Abhishek Kumar Kumar @ Chhotu Singh that he may be the person who was hatching conspiracy to get him killed; he has subsequently been released on P.R. Bond and the petitioner is in custody since 13.06.2023 (as stated in paragraph-26 of the petition), this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1st Naugachia, Bhagalpur in



connection with Gopalpur (Rangra) P.S. Case No. 113 of 2023
subject to the following conditions:

(i) one of the bailor should be the family member of
the petitioner who shall provide official document to show
his/her *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/her
bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned
police station every month for next one year 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 his 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)

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