

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58675 of 2023

Arising Out of PS. Case No.-119 Year-2023 Thana- JALALPUR District- Saran

Ajit Kumar @ AMIT Kumar Yadav, Son Of Ashok Yadav Resident Of Village
, Po And P.S.- Jalalpur District Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Tiwary, Adv.

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 08-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Jalalpur P.S. Case No. 119 of 2023, lodged on 02.06.2023 under
Sections 302, 201 & 120 (B) of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against unknown accused persons in which the informant
who is the brother of the deceased has disclosed that he received
information upon search that the dead body of his brother was
found in the Bhatkeshri chawar and he has not alleged allegation
against anyone but it has been alleged that some unknown
persons have killed his brother and thrown his brother's dead
body in Bhatkeshri chawar.

4. Learned counsel for the petitioner submits that on
earlier occasion vide order dated 01.09.2023, the case diary has



been called for in this case. He also submits that there is nothing incriminating come against the petitioner and the name of the petitioner has come only and only on the basis of suspicion and from the FIR itself, there is no eye-witness. Counsel further submits that the police has intentionally figured the name of the petitioner in this case that he is involved in the commission of crime as the deceased was used to called the petitioner that he is interested to marry with his sister and in retaliation, the present death has been caused to the brother of the informant.

5. Learned counsel for the petitioner submits that the antecedent of the petitioner is clean and he is in custody since 06.06.2023.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that it is a case of murder and in the case diary at the time of rejecting the bail, has indicated that material has come against the petitioner in para 39, 40 and 46 of case diary. Counsel also submits that it is true that the name of the petitioner has been figured in this case by confession but it is also true that by virtue of the said confession, the knife used in the commission of the crime and the mobile of the deceased have been recovered by the police and therefore, due to the recovery of the said weapon used in the



commission of the crime, the confession cannot be denied and it has a legal subsistence.

7. Upon the specific query from the counsel for petitioner that whether charge has been framed in this case or not, he submits that as per his knowledge charge has not been framed.

8. In this view of the matter that upon the confession, the knife and mobile recovered from a place which has been stated in the confessional statement, this Court is not inclined to grant regular bail to the petitioner.

9. Accordingly, the prayer for regular bail of the petitioner in connection with Jalalpur P.S. Case No. 119 of 2023, pending before the learned Additional Chief Judicial Magistrate-13, Chapra is hereby rejected.

10. However, the petitioner shall move for regular bail 6 months after framing of charge when the Trial Court shall release him on bail imposing its own conditions so that he may not evade his appearance during trial.

(Dr. Anshuman, J.)

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