

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.72758 of 2022**

Arising Out of PS. Case No.-252 Year-2021 Thana- SAHEBPUR KAMAL District-  
Begusarai

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GAUTAM YADAV @ GAUTAM KUMAR Son of Ramji Yadav @ Ramaji  
Yadav Resident of Baburahi, P.S.- Sahebpur Kamal, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Binod Kumar, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP.

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

2      18-04-2023                      Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

2. Heard learned counsel for the petitioner and the learned APP for the State.

3. Petitioner seeks regular bail in connection with S. Kamal P.S. Case No. 252 of 2021 dated 04.10.2021 registered for the offences punishable under Sections 364 and 120B/34 of the Indian Penal Code while the chargesheet has been submitted under Sections 120(B), 364/34, 302 and 201 of the I.P.C.

4. As per the prosecution, the informant alleged that this petitioner along with other co-accused persons have



abducted the husband of the informant and the informant has apprehension that her husband would be killed by the accused persons and later on, during investigation the accused persons confessed to have killed the informant's husband and thrown his dead body into the river Ganga.

5. The main submissions advanced by petitioner's counsel are that the petitioner is not named in the FIR, his name transpired in the statements of non FIR co-accused persons namely Nakul Yadav and Gulab Yadav, who have been granted bail by different co-ordinate Benches of this Court vide orders dated 16.03.2023 and 15.02.2023 passed in Cr. Misc. Nos. 45188/2022 and 53344/2022 respectively and there is no evidence against the petitioner to connect him to the alleged crime except the said statements of the co-accused persons and he has been languishing in jail since 02.06.2022 having fair and clean antecedent and two co-accused Dilkhush Kumar @ Dilkhush Singh and Deepak Singh have also been granted bail by co-ordinate Benches of this Court vide orders dated 16.12.2022 and 16.01.2023 passed in Cr. Misc. Nos. 38682/2022 and 26035/2022 respectively and the case of this petitioner stands on better footing from the named two co-accused persons namely Dilkhush Kumar @ Dilkhush Singh



and Deepak Singh, who are on bail as the petitioner is not named in the FIR.

6. Learned APP appearing for the State has opposed the bail prayer.

7. Having considered the above submissions and mainly the privilege of bail having been granted to several co-accused persons including two named co-accused persons and the petitioner's fair and clean antecedent and as per the above submission, his name came into light in the statements of co-accused persons namely Nakul Yadav and Gulab Yadav, who are also on bail, in my opinion the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with S. Kamal P.S. Case No. 252 of 2021.

**(Shailendra Singh, J)**

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