

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10497 of 2024

Arising Out of PS. Case No.-144 Year-2023 Thana- BIHIA District- Bhojpur

Dasai Yadav, Male, Aged-25 years, S/o Shri Bhagwan Yadav, Resident of
Village-Bihia (Dharahara), P.S.-Bihiya, District-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Amarrendra Kumar, Advocate
For the Opposite Party/s :	Mr.Mohammed Arif, APP
For the Informant :	Mr. Sanjeev Kumar, Advocate
	Mr. Ashish Kumar Sinha, Advocate
	Mr. Ravi Kumar Pandey, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 17-05-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner seeks bail in connection with Bihiya
P.S. Case No.144 of 2023 instituted for the offences punishable
under Sections 302/34 of the Indian Penal Code and Section 27
of the Arms Act.

3. As per F.I.R., the allegation against three unknown
miscreants is that they have committed murder of the
informant's son namely, Kumar Manohar.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case. Petitioner is not named in



the F.I.R. and his name surfaced in this case on the basis of confessional statement of co-accused Lalbabu Prasad. Nothing incriminating article has been recovered from the possession of the petitioner. There is no evidence against the petitioner other than the confessional statement of co-accused. A statement has been made in para 3 of the bail petition that petitioner has no criminal antecedent. The other co-accused persons have already been granted bail by this Court vide order dated 22.02.2024 passed in Cr. Misc. No. 74879 of 2023 and Cr. Misc. No. 82588 of 2023. Moreover, he is languishing in judicial custody since 29.06.2023.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for bail.

6. From perusal of the F.I.R., seizure list and impugned order dated 06.12.2023, it appears that F.I.R. registered against three unknown persons on the basis of fardbeyan of the informant Ashutosh Kumar and name of the petitioner surfaced from the confessional statement of co-accused Lalbabu Prasad, who has already been granted bail by this Court, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail *after framing of charge* on furnishing bail bonds of Rs.



10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. -V, Bhojpur, Ara in connection with Bihiya P.S. Case No. 144 of 2023.

7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen) days from the date of receipt of a copy of this order. However, it is made clear that **if the charge-sheet has not been submitted** then the petitioner shall be released on bail on above conditions and he shall be present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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