

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37701 of 2024

Arising Out of PS. Case No.-129 Year-2013 Thana- PANDARAK District- Patna

Kosam Yadav @ Kosam Pahalwan @ Kusum Yadav @ Kosum Yadav S/O
Late Sitaram Yadav Resident Of Village- Dargahi Tola, P.S.- Pandarak, Dist-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Syed Mojibur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-06-2024 Heard both the parties.

2. In the present case, the petitioner seeks bail in connection with Pandarak P.S. Case No. 129 of 2013, registered for the alleged offences under Section 364/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner is one of the FIR named 30 accused persons against whom the informant had made allegation that they abducted his nephew and after killing him, threw his dead body in the River Ganga.

4. The learned counsel for the petitioner submits that the informant is not an eye witness and he has not mentioned his source through which he came to know about the occurrence. The case of the informant is not believable as he has made 30 persons as accused in this case but has not given any motive or time and

manner of the occurrence. During investigation, the co-accused Bhimal Yadav was arrested and in his confession, he named this petitioner and other co-accused persons for having participated in the crime. Co-accused persons have been granted bail by a Coordinate Bench of this Court and this Court vide orders dated 12.03.2015 & 01.11.2022 passed in Cr. Misc. Nos. 9330 of 2015 and 2134 of 2022, respectively. Even the alleged kingpin Ram Janam Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 04.11.2015 passed in Cr. Misc. No. 51447 of 2015. One more co-accused was granted bail vide order dated 09.02.2015 passed in Cr. Misc. No. 38348 of 2014 by the same Coordinate Bench. The case of the petitioner is similarly placed. The petitioner is in custody since 11.03.2024 and the charge sheet has been submitted.

5. Learned APP opposes the prayer for bail submitting that the co-accused confessed his guilt and named this petitioner who also participated in the murder of the nephew of the informant. The petitioner has got criminal antecedents.

6. Having regard to the facts and circumstances and submissions made here-in-above and considering the lack of substantive material to connect the petitioner with the offence as alleged and further considering the period of custody of the petitioner along with submission of charge sheet, the petitioner

above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-1st Class, Barh, Patna, in connection with Pandarak P.S. Case No. 129 of 2013, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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