

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39916 of 2024

Arising Out of PS. Case No.-806 Year-2023 Thana- KOTWALI District- Patna

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Gajendra Yadav @ Gajendra Kumar S/O RAMASHRAY YADAV Village
DAMUA TOLA, JOGIYA DEH, P.S. - Kako, Distt Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gaurav Kumar Verma

For the Opposite Party/s : Mr.Shailendra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 25-09-2024 Heard the learned counsel for the petitioner as well
as the learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection
with Kotwali P.S. Case No. 806 of 2023 for the offences
punishable under Sections 25(1-b) a/26 of the Arms Act.

3. As per allegation, on an information, the informant
along with police personnel reached the place of occurrence
where the dead body of a girl, drenched in blood, was found in
room no. 303 of the Hotel. The girl was identified as constable.
On search, a country-made pistol, kept on the table with an
empty cartridge, another country-made pistol with the empty
cartridge inside the bag, four live cartridges were recovered
from the Hotel room. On perusal of the visitor register of the
hotel, it was found that the room was booked jointly in the name



of the petitioner (who is husband of the deceased) and the deceased lady.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing incriminating articles was recovered from conscious possession of the petitioner. Though, the petitioner made his confessional statement before the police but there is no evidentiary value of the confessional statement in the eye of law. The petitioner is under custody since 30.10.2023 i.e. about a year.

5. On the other hand, the learned APP for the State has opposed the prayer for bail and submitted that in the CCTV Footage of the said Hotel, the petitioner along with his wife (the deceased) were seen going inside the room no. 303. Further, the petitioner is also being seen fleeing away from the Hotel without carrying any bag whereas he was carrying a bag entering into the room of the Hotel.

6. It appears that from perusal of para 31 of the case diary which contains CCTV Footage, at the time of entering into the room of the Hotel, the petitioner was seen having a bag with his wife but later on, he was seen fleeing away alone without any bag which shows complicity of the petitioner (sole accused)



in the alleged crime.

7. Considering the above-mentioned facts and circumstances as well as the gravity of the allegation and also the fact that the petitioner has a criminal antecedent, I do not think it to be a fit case for bail, which is hereby *rejected*.

(Nawneet Kumar Pandey, J)

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